



T H E

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JOURNAL of the PROCEEDINGS and DEBATES in the
POLITICAL CLUB, continued from Page 130.

In the Debate begun in our last, the next that spoke was M. Valerius Corvus, the Purport of whose Speech was as follows, viz.

Mr. President,
S I R,



S I have often heard a certain Set of Gentlemen insist upon it, both here and in other Places, that the Declaration or Protest in Question, had no Manner of Relation to the Convention, I should be glad those Gentlemen would inform us what it had Relation to, or for what Purpose it was made, and so formally accepted of. I am very certain, the Court of Spain meant something by making it; I am convinced they supposed we meant something by receiving it. If they had meant, or intended to mean nothing, I am sure, they would not have made it; and if we did not mean to accept it in the Terms in which it was conceived, and for the Purpose which, we knew, they meant by it,

I am sure our Minister, at least, meant to deceive them. Therefore, if we received it as the Spaniards meant it: If we received it as the Condition on which the Signing of the Convention was to

A be proceeded on, I am very sure, the Conduct of our Minister ought not only to be enquired into, but censured. And, if we meant to deceive the Court of Spain, by receiving that Declaration: If we thereby meant to draw the Court of Spain in to sign a Convention, under the false Hopes, that we would look upon that Declaration in the same Light they did, the Conduct of our Minister, in my Opinion, deserves as much to be censured in this Case, as in the other.

C Openness of Heart, Sincerity, and Plain-dealing, have always been a distinguishing Characteristick of this Nation. It is generally the Characteristick of a brave People. By continuing our Negotiations under so many Insults, I am afraid, we gave the Spaniards some Room to suspect our Courage: I hope we have

have not, in our Method of Treating, given them Room to suspect also our Sincerity. Sir, this Nation had never yet an Occasion to make use of Querks or Subterfuges, or of any Sort of Deceit, for obtaining Justice. A Convention of some Kind or other might, at that Time, be necessary for some amongst us here at home, as an Expedient for excusing themselves to the ensuing Session of Parliament, but it was not necessary for the Nation; and therefore, if deceitful Means were used for obtaining the Concurrence of the Court of *Spain* in furnishing out such an Expedient, I will affirm, that those who did so, were guilty of sacrificing the Honour and Interest of their Country to some selfish Ends of their own.

For this Reason, Sir, I am for the Motion made by my Hon. Friend; for if it does not, upon an Enquiry, appear, that our Minister at the Court of *Spain* declared in the most open and plain Terms, that he would not accept of that Declaration, as the Condition upon which the Treaty was to be signed; that his Court would not receive it as such, nor ever admit of his Catholick Majesty's suspending the *Affiento* Contract, on account of the Non-payment of the 68,000*l.* then claimed by *Spain*; I say, Sir, if this does not appear, I shall be for censuring the Conduct, at least of our Minister abroad, and perhaps, of some of those at home. From the Papers already upon our Table it does appear, that he accepted of that Declaration, that he accepted of it in the most solemn Manner; but, it does not appear from any of the Papers yet before us, that he made such a Counter-declaration as I have mentioned. Therefore, in Justice to him, I desire to be informed; because, by the Papers before us, he now stands condemned, and therefore I desire to see

those that may be pleaded in his Justification, if there are any such: In Justice to my Country I desire to be informed, because, as a Member of this House, I am obliged to censure him, if, by his Conduct, his Country has forfeited that Character which it has long preserved, and which it is both our Honour and Interest still to preserve.

Thus, Sir, the very Argument that has been made use of in this Debate for not calling for Mr. Keene's Instructions, is, with me, an unanswerable Argument for our doing so. If by accepting the Declaration of the Court of *Spain*, we did not mean what the Court of *Spain* meant in delivering it, we ought to have told them so. Let us see, whether we did or no. And if by accepting it, we meant the same Thing they meant in delivering it, we then meant to accept of a Treaty or Convention under the Condition expressed in that Declaration. By so doing, we acknowledged the 68,000*l.* to be justly due to them, by our *South-Sea* Company: We acknowledged, that this Sum ought to be immediately paid, without any Regard to the large Claims our Company had upon the Crown of *Spain*; and we acknowledged, that unless our Company paid that Sum, within a short Term, the King of *Spain* had a Right to suspend the *Affiento* of Negroes. Will any Gentleman say, it was right in our Minister to make such Acknowledgments? Will any Gentleman say, he ought not to be censured if he did? Sir, there was no Dispute between the Court of *Spain* and our *South-Sea* Company, when the Convention first began to be thought of. They had come to a final Agreement, and that Agreement would have stood, if our Negotiations about the Convention had not unhinged it. The Demand of this 68,000*l.* which the Court of *Spain* made

made upon our *South-Sea* Company, was, perhaps, an unjust Demand, but the Company had agreed to allow it, unjust as it was, provided the King of *Spain* would do them Justice as to the many Demands they had upon him, and insist only upon this Sum's being brought in to the Creditor Side of his Account. This was the only Confession our Company had ever made of this Debt. This was what the Court of *Spain* had agreed to accept of; and this was what Mr. Keene, as he was Agent for the Company, could not but know. Was it then right in him to accept, or admit of a Declaration, in which it was insisted, that our Company had confessed this Sum to be owing, without so much as one Word of the Terms upon which they had agreed to allow it? Among Politicians, Sir, whose Maxims, I confess, I do not understand, this may be justified in the Envoy; but among Merchants, I am sure, it will never be justified in the Agent.

From what I have said, Sir, it must appear, that our Minister's accepting, or even admitting of this Declaration, without a Counter-declaration, was wrong; and I desire to know, the whole Nation desires to know, whether there was any such Counter-declaration, and in what Method it was made or delivered. If we are refused this Satisfaction, by a Negative's being put upon this Motion, I shall presume, the whole Nation will presume, there was no such Counter-declaration made or delivered by our Minister; and consequently I shall, the whole Nation will, condemn his Conduct, let his Fate in this House be what it will. This, Sir, is a bad Consequence, with regard to the Character of the Hon. Gentleman concerned; but with regard to the Character of this House, it is a most terrible one;

for, if Parliaments should begin to refuse giving Satisfaction to the People, the People will begin to refuse putting any Confidence in Parliaments; and, if this should ever come to be the Case, they not only may, but they ought to be laid aside. I do not know that the Character of Parliament ever received a greater Stab, than it did by the seeming Approbation of the Convention in last Session of Parliament; and if we should, in this, so far screen the Contrivers of that Convention, as to refuse to let the People know, whether they were to blame or not: I say, if we should do this, now that the chief Argument advanced last Year in favour of that Convention appears to have been without Foundation, it will, I fear, be a mortal Blow.

This, Sir, is a Danger that threatens our Constitution in its most tender Part; and shall we expose ourselves to this Danger, for the Sake of avoiding the chimerical Danger of letting *Spain* see what Concessions we were willing to make for the Sake of Peace? It is very plain, I think, Sir, that some amongst us were willing to have made most extraordinary Concessions for the Sake of Peace; and, for this very Reason, I am for having them enquired into; for if they should appear to be such as I suspect, I hope it will be put out of the Power of those that were willing to make them, ever to make any such for the future, either to *Spain*, or to any other Nation we may hereafter have a Dispute with. No Man can have Reason to dread letting *Spain* know what those Concessions were, because, I believe, she was long since fully informed of them; and this Information was, I am convinced, the Cause of the War; for her Dependence upon the Concessions she was made to hope for, was the true Cause of her

her Obstinacy, and those who had flattered her with such Hopes, at last found, they had promised her more than they durst venture to perform. But suppose she were, as yet, ignorant of the Concessions some amongst us were willing to make for the Sake of Peace, her being now informed of them may give her new Cause to repent of her former Obstinacy, but it can give her no Hopes for expecting such at the End of the War, if we carry it on, as I hope we shall, with Vigour and Success. The Dread of letting *Spain* know what Concessions we were willing to make for the Sake of Peace, can therefore be no Argument with any Man in the Kingdom for opposing this Motion; but the Dread of letting this Nation see what Concessions some amongst us seemed willing to make for the Sake of a precarious and dishonourable Peace, is, I believe, an Argument of great Weight with some Gentlemen, for opposing this and every such Motion; and, because it is an Argument with them for opposing, it is, with me, a most powerful Argument for approving this Motion, and every Motion of the same Nature; for, if any dishonourable Concessions were so much as proposed to have been made, they ought to be exposed, they ought to be censured, in order to prevent the like in Time to come.

*Upon this Gentleman's sitting down,
M. Tullius Cicero stood up, and
spoke to this Effect, viz.*

*Mr. President,
S I R,*

IT has generally been reckoned a little unfair, to take Notice of what has been said in any former Debate; but we have now so far deviated from this Rule, that not only what has been said in former Debates, but in former Sessions, is

repeated, seldom exactly as it was spoke, and made use of against Gentlemen in future Debates, or future Sessions. I remember, when it was last Year insisted on, that the King of *Spain's* Protest was an Article of the Convention, I made use of the Expression, that it was no more an Article of the Convention than of the Grand Alliance. I then thought so, I think so still: Nothing can be look'd on as an Article of any Treaty, unless it be ratified as well as signed, by both Parties concerned; or unless it be expressly mentioned and referred to in some of the Articles that have been signed and ratified by both Parties. Is this the Case of the Protest in Question? Was it either signed or ratified by both Parties, or was it mentioned in any one of the Articles of the Treaty? Sir, if it had been made by way of a separate Article, and even signed by our Minister, yet, till it was ratified by his Majesty, it could not be look'd on as an Article of any Treaty between the two Nations. Therefore I still think, I spoke justly when I said, that his Catholick Majesty's Protest was no more an Article of the Convention, than of the Grand Alliance.

E This Protest, Sir, was so far from being an Article, or a Part of the Treaty, that it was not so much as signed by our Minister: He did not so much as accept it, he only received it. Gentlemen may smile at this Distinction; but it is not a Distinction without a Difference. There is a very great Difference between accepting and receiving. When we accept of any Thing, we accept of it as the Giver intends we should, either as a Payment, or as a Reward, Favour or Gratuity; and then our Accepting implies a Release, or an Obligation of Gratitude. But when we receive only, we receive in what Terms we please,

please, and may declare them then, or at any Time afterwards. This was the Case of our Minister, with regard to his Catholick Majesty's Protest. He received it only; and to shew his Candour, as well as to prevent the Court of *Spain's* being led into any Mistake, he then, upon the Spot declared, that he did not accept of it as any Article or Condition of the Treaty, and that he received it, only in order to transmit a Copy of it to his Court, and another to the *South-Sea* Company. If the Court of *Spain*, therefore, were deceived, they deceived themselves: They were deceived neither by the Expressions, nor by the Silence of our Minister. But whatever they may now pretend, I believe, they neither deceived themselves, nor were deceived by our Minister. I believe, they did not so much as expect, that we should shew any Regard to their Protest. It related to an Affair of a particular and perplexed Nature, which could not be brought into a general Treaty between the two Nations. The Accounts between the King of *Spain* and our *South-Sea* Company, was an Affair that no way related to either of the Nations in general; and, it was an Affair of such a perplexed Nature, that it could not be brought into the Negotiation for a general Treaty. Like the Dispute about the Limits between *Florida* and *Carolina*, it was absolutely necessary to refer it to Plenipotentiaries, to be examined into, and determined by them, after the Conclusion of the general Treaty, as is customary in all such Cases; and therefore it came properly under the first Article of the Treaty, by which, Ministers Plenipotentiaries were to be appointed, for regulating finally the Pretensions of the two Crowns, remaining to be adjusted; the Whole, according to the Treaties

therein mentioned, of which, that of the *Affiento of Negroes* is particularly one.

If we consider the Affair in this Light, and this is the only Light in which it can properly be considered, we may easily see, what the Court of *Spain* meant by this Protest. As the *Affiento of Negroes* was a mutual Contract between the two Nations, the King of *Spain* thought he had a Right to suspend the Performance of his Part of it, in Case we refused the Performance of ours; and this he certainly has. No Gentleman has said, he has a Right to suspend the *Affiento of Negroes* upon any pretended Failure in our *South-Sea* Company, and without applying to our Court for Redress. But, if our *South-Sea* Company should be guilty of a real, and not a pretended Failure, and if, upon Application to our Court, we should refuse, or unreasonably delay compelling our *South-Sea* Company to do him Justice, he would certainly then have a Right to suspend the *Affiento* Treaty upon his Part; and this Right he was afraid might be injured, or derogated from, by that Treaty's being particularly mentioned in the first Article of the Convention; for which Reason he thought it necessary to reserve that Right by an express Declaration. This was all that even the Court of *Spain* meant by that Protest. It could not give them any new Right, nor confirm any Right they wrongfully pretended to. It was intended only to shew, that his Catholick Majesty did not, by the first Article of the Convention, give up any Right he might have to suspend the *Affiento* Treaty, upon a Failure of Performance on the Part of this Nation; and as the Plenipotentiaries appointed by both Nations, and not the Court of *Spain* alone, were to determine, whether the Non-payment of the 68,000*l.* was a Failure on the

the Part of this Nation, it would have been a Piece of perfect *Don-Quixotism* in us, to have refused admitting the Court of *Spain* to make such a Declaration or Protest; because, if our Plenipotentiaries had determined, that this Sum was due to the King of *Spain*, and that it ought to be immediately paid by our *South-Sea* Company, we certainly ought, and, I believe, we should have compelled that Company to have paid it; and if our Plenipotentiaries had determined, that it was not due, or that the King of *Spain* ought to allow it in Whole or in Part of what was due by him to the Company, his Protest would then have been of no Manner of Signification.

In my Opinion, Sir, it is evident from the very Nature of the Thing, as well as from the Papers already on your Table, that Mr. *Keene* neither received this Protest as any Article, Condition, or Part of the Treaty, nor did he either by his Expressions, or his Silence, endeavour to deceive the Court of *Spain*; and therefore, neither of the Arguments made use of by the Hon. Gentleman that spoke last, can be of any Weight in the present Question; nor will our refusing to distress the Government by discovering its Secrets, or to take up our own Time with Enquiries, when there does not so much as seem to have been any Fault committed: I say, our refusing to do so, can be look'd upon by no impartial Man in the Kingdom, as a Refusing to let the People know, whether those who negotiated and concluded the Convention were to blame in what they did. There are, indeed, some Men in the Nation, and perhaps some Gentlemen in this House, so much prejudiced against the Convention, that without Enquiry, they think every Man blameable who had any Hand either in negotiating

or advising it; but I am sure, I may at least say, that the Majority of both Houses of Parliament thought otherwise last Session, and I can see no Reason for their thinking otherwise now. The Hopes that the Convention would, at last, produce an honourable and advantageous Peace, without War or Bloodshed, was a good Reason for concluding it, and a good Reason for approving it; and, if this was then a good Argument, can what has happened since, can the *Spaniards* having since committed a most notorious Breach of publick Faith, any way derogate from the Strength of that Argument? Can it throw any Blame upon those who put a Trust in Hopes founded upon a most solemn Treaty? At this Rate, Sir, no Minister must ever conclude, or advise agreeing to any Treaty; for the most full, the most explicit, the most definitive Treaty, may be broke thro', as well as that Preliminary was; and if a Minister must answer for the Breaches of Faith committed by the Nation he treats with, I am sure, he ought never, in Prudence, to treat with any. The Breach of Faith committed by the *Spaniards*, can therefore now be no more an Argument for condemning that Treaty, than the Fear of their doing so, could be an Argument for condemning it, when it was under the Consideration of this House.

This, Sir, is, I believe, the Way of thinking with all the unprejudiced and impartial Men in the Kingdom, which, I hope, will always be, by far, the greatest Part; and surely, we are not to take up our Time in this House, which may be otherwise so well employed, with Enquiries, in order to remove the Prejudices of a few; and much less ought we to do so, when that Enquiry may probably be attended with great Danger to the Publick, which is the Case of the Enquiry now moved

moved for. I shall grant, that *Spain* has now no Reason to expect those Concessions we were willing to make for the Sake of avoiding a War; but Nations as well as private Men often expect without the least Shadow of Reason. If *Spain* should be informed of all the Concessions we were willing to make, it will shew her the Value we put upon her Friendship, and this will make her persist more obstinately in the War. Her Obstinacy, 'tis true, may be attended with her Ruin, but this, I am sure, is what must be allowed not to be our Interest to pursue. We ought to insist upon her doing us Justice, and, I hope, we shall soon obtain it, if we do not encourage her to persist obstinately in the War; but, we ought to aim at it by weakening that Nation as little as possible, because she may, probably, hereafter become our Friend and Ally, and we may have Occasion for her Assistance. I am far from thinking, that any dishonourable Concessions were proposed to be made, and yet, I am convinced, the *Spaniards* know very little of the Concessions we were willing to make. I hope, they never shall; but, if they should be fully apprized of the Concessions we were willing to make for the Sake of avoiding a War, they will expect, tho' without Reason, that we should make the same for the Sake of getting rid of a War; and this Expectation will prevent their suing for Peace, till they are reduced to the last Extremity, which is an Effect we ought, if possible, to prevent.

But this, Sir, is far from being the only fatal Consequence that may ensue from our calling for the Letters and Instructions now moved for. I could mention several others, but shall confine myself to one. We have, 'tis true, the Misfortune of being engaged in a War, but it

is, as yet, against *Spain* alone, and while it continues to be so, we have no great Reason to doubt, or to be afraid of the Event; nor are we under any Necessity of seeking Allies or Assistance in the War.

A But there are other Powers that are, perhaps, willing to join with *Spain* against us, if they could but find a tolerable Excuse for so doing, and, in that Case, we may be under a Necessity of endeavouring to get some of the Powers of *Europe* to join with us. We know how freely Ministers of the same Sovereign correspond with one another, when there is no Jealousy between them, nor any Apprehension that the Correspondence will be unseasonably divulged. This was probably the Case of our Ministers at home and abroad, who were concerned in negotiating and concluding the Convention, and therefore there may be some Reflections or Expressions in the Letters or Instructions now called for, that may be of dangerous Consequence in both these Respects. They may not only be such as will furnish those that incline to be our Enemies, with a plausible Pretence for joining against us, but they may be such as will render those that incline to be our Friends, less willing to assist us. These may be the Consequences of having the Papers called for laid before so numerous an Assembly; and as these Consequences may be fatal to us in our present Situation, I must therefore give my Negative to the Motion.

The next that spoke was *Asinius Pollio*, whose Speech was in Substance thus:

Mr. President,
S I R,

I DO not remember to have heard it insisted on in this, or any former Debate, that the King of *Spain's* Declaration was an Article of

of the Convention, and therefore it was unnecessary for the Hon. Gentleman who spoke last, to point out to us, so exactly, what was to be deemed, and what was not to be deemed an Article of any Treaty; but, a Declaration or Protest may relate to a Treaty, tho' it be not signed by both Parties, and tho' it be neither made an Article, nor mentioned in any Article of the Treaty; and when such a Declaration or Protest is signed by one of the contracting Parties, and solemnly intimated to, and accepted by the other, it has, by the Law of Nations, the same Effect as if it had been made an Article of the Treaty.

As for the Hon. Gentleman's Distinction between Accepting and Receiving, it is, like some of the other ingenious Distinctions I have heard come from the same Quarter, a little beyond my Comprehension. There may be a Difference, but, I protest, it is such a one as I cannot well comprehend; and what is still worse, it is a Distinction that, even as he has explained it, will not serve his Turn in the present Case. If he should give me any Thing, which I do not expect he will, and I should receive it, I should think, that I had not only accepted it, but that I had accepted it upon the Conditions on which, I supposed, he gave it; and, I believe, the World would think in the same Way. But if he should give me any Thing, and at the Time of giving should express the Terms on which he gave it, in such a Case, if I received his Present without declaring, that I neither did nor would receive it upon his Terms, the whole World would conclude, that I had accepted it upon the Terms he expressed. Suppose a Man were actually owing me a Sum of Money, and should come and offer me a Sum equal to what he owed, but at the same Time

should declare, that he did not acknowledge himself indebted to me in a Farthing, nor would give me that Money unless I received it as a Gratuity; and suppose I did receive the Money without saying a Word, A ought not my receiving it in that Way, to be look'd on as my accepting it by way of Gratuity? I am sure, in Point of Honour it ought; for no Man would receive the Money in that Way, unless he either thought there was nothing really due to him, or that he had not B Power to compel the Payment of it.

I have made these Suppositions, Sir, in order to shew, that he who receives must always be supposed to accept upon the Terms on which the Thing is, or is supposed to be C given. And now to apply this to the Protest or Declaration in Question. If it had been drawn up and signed without the Knowledge or Participation of Mr. Keene, and a Copy of it sent to him after the Signing of the Convention, I shall D grant, that his receiving or accepting it in this Manner, would have been of no great Moment: He might, in Complaisance, have told them, that he would send a Copy of it to his Court, or to the South-Sea Company. But this was far from being the Case, as appears E from the Papers already upon our Table. Before the Convention was signed, there was an Agreement between Mr. Keene, and Mr. La Quadra, that such a Declaration should be made in Writing, and F signed by the latter, in Name of the King of Spain: Nay, farther, before the King of Spain's Ministers would sign the Convention, Mr. Keene agreed not only by Word of Mouth, but under his Hand in Writing, that he would receive or G accept of this Declaration, and transmit Copies of it to his Court, and to the South-Sea Company. Must not we then suppose, that when

when he received this Paper, he accepted it upon the Terms which were expressed in the Body of it; and that consequently our leaving our *South-Sea* Company to the Mercy of the King of *Spain*, was the Condition upon which, Mr. Keene A agreed, the Signing of the Treaty was to be proceeded on.

I was surprized, Sir, to hear the Hon. Gentleman say, that Mr. Keene, to shew his Candour, declared upon the Spot, that he did not accept of this Declaration as any Article or Condition of the Treaty, but that he received it, only in order to transmit a Copy of it to his Court, and another to the *South-Sea* Company. I do not know what private Information the Hon. Gentleman may have about C this Affair, but the very contrary appears manifest from the Papers now on our Table, and from them only we can judge. (Here he read Paragraphs from several Letters, &c.) From these Papers it is, I think, manifest, that Mr. Keene, D by an Agreement previous to the Signing of the Convention, agreed to accept of this Declaration, and that he did accept of it without making any such Counter-declaration, either by Word of Mouth or in Writing; and, by his doing so, E it certainly became a Part of the Convention: No Civilian will, I am sure, say otherwise. I say, no Civilian, Sir; for I have, this Day, heard some Gentlemen of this House say otherwise; but they do not, I think, pretend to be Civilians; F and therefore, I hope, they will not pretend to Infallibility, or even to great Authority, in a Point that depends upon the Laws of Nature and Nations.

I shall grant, Sir, that Matters of a particular and perplexed Nature, G are seldom settled by general Treaties. When Matters of a general and national Concern are adjusted,

those of a particular or perplexed Nature, such as Limits, Damages, and the like, are usually referred to be adjusted by Plenipotentiaries, Commissaries, or some such Ministers, after the general Treaty has been concluded; but our late Convention with *Spain* was of an extraordinary Kind; for all the general Rights and Pretensions in Dispute between the two Nations, such as the Freedom of our Trade and Navigation in the *American* Seas, our Right to cut Logwood in the Bay of *Campeachy*, and all such, were left to be regulated by Plenipotentiaries; and that Affair which was the most perplexed, and required the most particular Discussion, I mean the Damages sustained by our Merchants, was the only Affair; that was finally adjusted by the general Treaty. I beg Pardon for saying finally adjusted; for, in my Opinion, it was, on our Part, absolutely given up. I therefore do not at all wonder that the great Claims D our *South-Sea* Company had upon the Crown of *Spain*, on account of Seizures, were left to be regulated by Plenipotentiaries; but, I was surprized to hear the Hon. Gentleman say, that the Accounts between the King of *Spain* and our *South-Sea* Company, were all referred to the Plenipotentiaries. No, Sir, the King of *Spain*'s Claim upon them was not referred: We positively and expressly allowed it, by our Minister's accepting this Protest as the Basis of that Treaty.

The Court of *Spain*, Sir, were well apprized of the Necessity our Negotiators were under, towards the End of last Year, for having a Treaty of some Kind or other. The Ministers of *Spain* knew, that our Ministers had spent 4 or 500,000*l.* of the Nation's Money, in fitting out Squadrons of which they had made no Manner of Use. From thence they knew, that our Ministers

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were

were under a Necessity of having something to shew, some Excuse to make, to Parliament; and they would grant them nothing, they would give us nothing that look'd like a Treaty, unless our Minister would abandon the *South-Sea Company*. That Company must be entirely left to their Mercy: The Sum pretended to be due to them by the Company, must not only be acknowledged, but paid within a short Term, otherwise they were to be left at Liberty to suspend the *Assiento of Negroes*; whereas, the large Sums due by them to the Company, were to be left to a tedious Discussion, and not to be paid till their Plenipotentiaries should agree to it, which, I am convinced, they never would have done. All this they insisted on, before they would vouchsafe to give us any Thing that look'd like a Treaty, and for this, they would not trust to our Minister's Word: They would have it in Writing; and this Form of a Protest, which he was to accept of in a solemn Manner, was the Method agreed on: Nay, even for this Acceptance, they would not trust to his Word: This too, they insisted upon having, by way of Letter, under his Hand. Does not this shew, that our Ministers, so far as they durst venture, were willing to agree to every Thing proposed by the Ministers of *Spain*? Suppose, Sir, the King of *Spain* has a Right to suspend the *Assiento of Negroes*, in case of any Failure on our Part, yet, this cannot justify Mr. Keene's accepting of that Protest in the Manner he did. By that Acceptance, he not only acknowledged the Right in the King of *Spain*, but he acknowledged, that the *South-Sea Company* would be guilty of a Failure on their Part, unless they paid the 68,000*l.* within a short Term; and this he did, tho' he perfectly knew, that, in Justice,

they owed no such Sum, nor had ever acknowledged, or promised to pay such a Sum, but upon Condition of the King of *Spain's* settling all Accounts with them, and paying what might appear to be due upon the Balance.

What I have said, Sir, I have spoke from the Papers now upon our Table. From them our Negotiations, especially those that relate to his Catholick Majesty's Protest, must stand condemned with every Man that peruses them, and them only. If there be any other Papers which may justify those Negotiations: If the Hon. Gentleman knows of any such: If he knows of any Letters, Instructions, or other Papers, from whence it may appear, that Mr. Keene declared, when he received this Protest, that he did not receive it as any Article or Condition of the Treaty, that he received it, only to transmit it to his Court, and to the *South-Sea Company*: I say, if the Hon. Gentleman knows of any such, as, from what he has said, he would seem to insinuate, I am sure, he ought, as a Friend to Mr. Keene, to agree to their being laid before us. The Objections he has been pleased to make, the Dangers he has been pleased to frighten us with, are, in my Opinion, mere Bugbears. The Danger of shewing to *Spain* what Concessions we were willing to make for the Sake of Peace, is an Objection that operated as strongly against laying before us the Letters and Instructions to our Commissioners, as it can do against laying before us the Letters and Instructions to Mr. Keene; and yet, the former were laid before us without any Difficulty, and without producing any bad Effect. And as no Power in *Europe* had the least Concern in the Negotiations carried on between *Spain* and us: As no Power in *Europe* had any immediate Concern in the Disputes between the

the two Nations, I cannot conceive, what Occasion our Ministers could have to mention any other Power in Europe, in their Letters or Instructions to Mr. Keene; and therefore, from their great Wisdom, I must suppose, that no other Power in Europe is so much as mentioned in any of those Letters or Instructions. For this Reason, if they were all printed and published, as well as laid before this House, I cannot suppose, that those who are willing to join with Spain against us, could, from thence, be furnished with any Pretence for doing so; or that those who are willing to assist us in the War, in case we should have Occasion for it, could, from any Reflections or Expressions in those Letters or Instructions, be rendered less willing than they are at present to assist us.

This, Sir, is a Danger that none of our Ministers have, I am convinced, the least Cause to apprehend. But there is another Danger which some of them may, perhaps, have Cause to apprehend. There may be Expressions in some of those Letters or Instructions, that might disoblige many here at home, and raise such a Spirit in the Nation, as would be of dangerous Consequence to our Ministers. If our Negotiations were carried on, not so much with a View to procure Satisfaction to the Nation, as to procure temporary Expedients for our Ministers, this might appear from some of those Letters or Instructions, if they should all be laid before us; and this, if there be any such Thing, is, I shall grant, a Danger which our Ministers have great Reason to apprehend; but this is a Danger which, I am sure, ought to have no Weight with this House. If it has any, it must be in favour of the Motion; and, for this Reason, I am the more sanguine for the Motion; because I and it opposed by some who may,

perhaps, think themselves exposed to this Danger.

The next, and the last that spoke in this Debate, was Horatius Cocles, whose Speech was to this Effect, viz.

A Mr. President,
S I R,

I SHALL not enter into the Question, whether our Negotiations stand condemned or acquitted by the Papers now upon our Table; but, I must observe, that tho' several Paragraphs have been read, and from thence several Objections started, by those who find fault with our Negotiations, yet, none of those who declare themselves Friends to our Negotiations, have attempted to read, or to draw an Argument from any one of the Papers now before us; from whence it would seem as if they were conscious, that our Negotiations cannot be justified from any of the Papers we have, as yet, upon our Table; and, if they put a Negative upon this Motion, the whole World will conclude, that they are conscious, those Negotiations can as little be justified from any Papers that can be laid before us; therefore, for preventing such an unlucky Inference, I hope, they will agree to the Motion.

E In this Debate, Sir, we have heard Mr. Keene's Conduct so highly applauded by some Gentlemen, and so loudly blamed by others, that, I confess, it excites a very great Curiosity in me, to see all that can be said, both for and against him; and therefore, as I can see no Danger from our having all those Papers laid before us, if there were no other Reason, I should be for the Motion. But when I consider the Duty we owe to our Country, if the Gentleman whose Conduct is called in Question be guilty, and the Justice we owe to him if he be innocent, I think we ought to have the Papers now moved for laid before us, even

tho' it should be attended with all the Dangers we have been frightened with; and those who have any Regard for him, must certainly, I think, be for it, because his Character, as a Minister, may, perhaps, be justified by some of the Papers now called for; and it cannot, I am sure, be rendered worse than it is already in the Eyes of many Gentlemen of this House, and, I believe, of most Men in the Nation.

Having now given you a full Account of this Debate, I shall next give you some Speeches made in our Club upon the 21st of February, 1739-40, in a Debate which was pretty much of the same Nature. The Question in Debate was, Whether an humble Address should be presented to his Majesty, that he would be graciously pleased to give Directions to the proper Officers to lay before the House, all the Powers, Instructions, Memorials, Letters, and Papers, relating to the Convention between Great Britain and Spain, concluded at the Pardo, Jan. 14, 1739. N. S.

By way of Introduction to this Debate, we had read in our Club, The Address of the House of Commons to his late Majesty, (contained in the Journal of that House of the 31st of March 1715,) that his said Majesty would be pleased to direct, that all Powers, Instructions, Memorials, Letters, and Papers, relating to the then late Negotiations of Peace and Commerce, and to the Cessation of Arms, might be laid before that House.

As also, The Journal of the said House of the 9th of April following, in Relation to the Appointment of a Committee of Secrecy, to whom the said Powers, Instructions, Memorials, Letters, and Papers, then presented to the House, were referred.

And likewise, His late Majesty's most gracious Speech to both Houses of Parliament, relating to the Con-

clusion of the War, and the Attempts to defeat the Protestant Succession; together with the Address of the House of Commons to his said Majesty thereupon, contained in the Journal of that House, of the 23^d and 24th Days of March 1714.

The first Speech upon this Occasion was made by M. Cato, which was in Substance as follows, viz.

*Mr. President,
S I R,*

FOR as fond as most Kings are of arbitrary Power, it is certain, the Sovereign of these Kingdoms is in a more happy and secure Condition, than any absolute Sovereign upon Earth; because, by our Constitution, and as long as it has its due Effect, neither the Discontents nor the Resentment of the People, can ever affect the Throne: In absolute, as well as limited Monarchies, it is not only the Duty, but the Business of the Sovereign to preserve the Affections and Esteem of his Subjects; because upon this alone his Security and Power must necessarily depend. I know, Sir, that in absolute Monarchies supported by standing Armies, the Security and Power of the Sovereign depends upon the Army, and not upon the People; but, in such Governments, the People are not properly Subjects: They are the mere Slaves of the Sovereign and his Army; and are in the same State with the *Villani* in our ancient Constitution, who were neither allowed to have Arms, nor to know the Use of Arms. In such Governments therefore, the Gentlemen of the Army, and they alone, are properly to be called Subjects, and upon their Affections and Esteem, the Security and Power of the Sovereign must depend; for when a Discontent among them becomes general and violent, they mutiny, and such Mutinies, as we may learn from the

Histo-

Histories of all Ages, are generally fatal to the Sovereign as well as his Ministers, without making any Distinction between the Innocent and Guilty. This is a Danger which an absolute Sovereign must always lie exposed to, and the Misfortune is, that, as none but the Tools of Ministers and Favourites are usually allowed to approach the Throne, the King knows nothing of the Discontents of his Subjects, till he hears of their having thrown aside their Allegiance. Then, both his Security and Power must depend upon the Success of his Arms; and neither can be re-established, but by the Death of a great Number of his Subjects.

From hence, Sir, it is evident, that the Sovereign of these Kingdoms must always be in greater Security than any absolute Monarch: By the Constitution of our Government, while it is preserved entire, the King can do no Wrong. If any weak or wicked Measures are pursued, his Ministers only are to bear the Blame. The King can never suffer by such Measures, either in his Person, or Royal Dignity, unless he sets himself up as the Screen of his Ministers, and as a Buckler for defending them against the publick Justice of the Nation, which he never can do whilst our Constitution is preserved. Whilst our Parliaments are allowed to sit, and to be free and independent, they never will allow their Sovereign to take upon himself the Blame of his Ministers, nor will they allow Discontents to grow general amongst his Subjects. When Discontents begin to grow general, there must have been some Fault in the Administration, or the People must have been mistaken and misled. If the latter of these be the Case, an impartial and strict Enquiry by a free and independent Parliament, will rectify the Mistakes of the People, and direct

their Resentment against those that led them into an Error. And when the Discontents of the People proceed, as they generally do, from any real Weakness or Wickedness in the Administration of our publick Affairs, an Enquiry of this Nature will point out to the People, the Ministers that have disobliged them, and to the Crown, the Servants that have betrayed it. A free and independent Parliament will not only tell the King that the People are displeased with the Conduct of his Ministers, but it will distinguish between the Innocent and Guilty. The latter it will tear from behind the Throne, where such Ministers always endeavour to take Refuge, and thus, by clearing the Throne of Guilt, it will reconcile the Hearts of the People to their Sovereign.

In this, Sir, the superior Happiness and Security of the Sovereign of these Kingdoms consists, and from this we may see the Duty that every Gentleman, as a Member of this House, owes to his King as well as his Country. When any Gentleman of this House becomes sensible of Complaints, Clamours, or Discontents among the People of that Part of the Kingdom he represents; and that those Complaints, Clamours, or Discontents are growing general, he is in Duty to his Sovereign as well as his Country obliged, to move for an Enquiry into that Part of the Conduct of our Administration, which occasioned them; and every Gentleman who thinks there are any such, is obliged to join with him in the Motion, even tho' he should think, that there is no real Ground for such Complaint, Clamour, or Discontent; because, in Duty to our Sovereign, we are obliged to inform him of every Discontent that arises in any Part of the Kingdom, and, in Duty to the People, we are obliged

ged to give them Satisfaction; by punishing the Guilty, if the Discontent should, upon Enquiry, appear to be well grounded; by convincing them of their Error, if it should be found, they have been deceived. This, Sir, is our Duty. Upon the Performance of this Duty, the superior Security of the Sovereign of these Kingdoms depends, and therefore every Gentleman of this House will certainly perform his Duty in this Respect, unless he be more attached to the Security of the King's Minister, than to the Security of the King himself. In absolute Monarchies the Sovereign can expect no such Security, because, no Man can, in such Governments, come into any of the King's Councils, but such as are recommended by the King's first Minister, if the King be weak enough to have such a one; but, as no Gentleman, I hope, comes here by the Recommendation of any Minister whatever, in this House his Majesty may always, I hope, depend upon an honest and fair Information.

This being the Duty we owe both to our King and Country, I must desire, that every Gentleman would consider, what is said among the People, of our late Convention with *Spain*, and the Negotiations by which we were brought into that dishonourable and ridiculous Treaty. Is not that Treaty condemned by every Man in the Nation that dares speak his Mind? Did it not, as soon as it was published, raise a most general Clamour in every Part of the Kingdom? These Discontents at present lie smothering under the Hopes of a successful War, but they are far from being removed or extinguished. The People are still convinced, that the Treaty was a most destructive and dishonourable Measure: That the Honour of the Nation was negotiated away, the just

Claims of our plundered Merchants given up, the *South-Sea* Company abandoned, and the Freedom of our Trade and Navigation left in a most precarious Situation; and all for the Sake of furnishing some Gentlemen with an Excuse, for not having made the proper Use of those warlike Preparations, which had been made at a great Expence to the Nation. This, Sir, is the Way of thinking amongst a great Part of the People, and whilst they think so, can we suppose, they will be satisfied, or that they will forgive those who led the Nation into such destructive Measures? These Discontents do not as yet, I hope, affect the Throne, but if we do not take care to remove them, they may, they probably will; and we can remove them no other Way, but by a strict and impartial Enquiry into the Measures that occasioned them. Whether those Measures were wrong, whether the Discontents of the People be well or ill grounded, signifies nothing: It is sufficient Cause for an Enquiry, that there are such Discontents among the People; and that there are, I believe, no Gentleman will deny. If they are well founded, we are bound, in Duty to our Country, to punish those that occasioned them, or at least to remove them from our publick Councils: We are, in Duty to our Sovereign, obliged to remove weak or wicked Counsellors from about the Throne, and to shew the People that his Majesty is not to be blamed. If these Discontents are without Foundation, if there was no Weakness nor Wickedness in our late peaceable Negotiations, nor in the Convention, which was the Issue of them, and which, I think, was the perfect Picture of its Parent, we shall be able, by an Enquiry, to convince the People of their Mistake, which will be of great Advantage to us, in the Prosecution of the

the War; because, the People will pay their Taxes with Pleasure, when they consider that the publick Money is under the Management of those who know how to apply it, and certainly will apply it, to the best Advantage; and our Armies, both by Sea and Land, will act with Courage and Alacrity, when they have a Confidence in the Wisdom and Skill of those that conduct them.

For this Reason, Sir, if we have any Regard to our Sovereign, or to the Success of his Arms, which are now employed, and will, I hope, be vigorously employed, in vindicating the Honour and the Rights of the Nation, we ought to enquire into that Part, at least, of our late Conduct, which relates to the Convention with *Spain*; and therefore, I shall conclude with a Motion for having all the Papers relating to that Negotiation laid before the House. This Motion is founded upon a very famous Precedent, which has been just read to you; and when those Papers are laid before the House, I shall then, in Pursuance of the same Precedent, move for having them referred to a Committee of Secrecy; which, I think myself now obliged to give Notice of, in order to obviate the Objection usually made against our addressing to have such Papers laid before us. As the Enquiry I thus intend to move for, is founded upon so late a Precedent, and a Precedent too in which an Hon. Gentleman near me had a very great Concern: As he was so zealous for enquiring into our peaceable Negotiations upon that Occasion, I hope he will not be against such an Enquiry upon this; and really, if I were deemed worthy of giving him any Advice, I should advise him to be as zealous now as he was at that Time. I should advise him to be for having the Enquiry carried on in the most strict Manner, and by a

Committee of Gentlemen who can be no way suspected of a Dependency upon, or a Partiality for any of those that were concerned in the negotiating of that Treaty. He has often told us, that not only the Treaty itself, but every Step towards concluding it, may be justified, and shewn to have been the most wise and prudent Measure the Nation could, at that Time, pursue; and, upon such Occasions, he has always arrogated to himself the sole Honour of that Measure. As to the Wisdom and Prudence of the Measure, he must be sensible that a great Part of the Nation differ in Opinion from him. He must know, that not only the Treaty, but the Negotiations which ended in that Treaty, or rather in the War which was the natural Consequence of it, for the Treaty itself was rather the Beginning, than the End of a Negotiation: I say, he must know, that both the Treaty and the previous Negotiations were, and are still, condemned by a great Part of the Nation; and therefore, if he was the sole Author and Adviser, in order to vindicate his Character, he must be for a strict and impartial Enquiry; because this is the only Way of refuting the Objections made to his Conduct.

But, Sir, as I always had, and have still a bad Opinion of the Treaty, as well as the previous Negotiations, I am willing to suppose, the Hon. Gentleman was not the sole Author and Adviser of either; and, by the Nature of his Office, he could not be the Conductor: He went very far out of his Province, if he had any Thing more to do, either with the Treaty or the Negotiations that preceded it, than simply giving his Opinion, as one of his Majesty's Cabinet Council; for, I hope, his Majesty's Cabinet Council does not consist solely in his Person; and therefore, I think, it is

is very much his Interest to have that Affair strictly and impartially enquired into, in order to convince the World, that he had not near so great a Hand in it, as he is now generally supposed to have had. Thus, Sir, let the Hon. Gentleman near me consider the Convention in what Light he will, let him consider it as a good Thing in which he had the Honour of being the chief Person concerned, let him consider it as a bad Thing in which he had no more Concern than what belonged to him, it is his Interest to have the Affair enquired into; and, considering the general Reproach it has occasioned, I have shewn that it is his Duty; so that I cannot but expect his Concurrence in the Motion I am to make. I can conceive no Reason for his being against it, unless he be not only conscious that the Convention was a wicked Treaty, but also that he was, contrary to the Nature of his Office, and inconsistently with the Constitution of our Government, the chief Conductor, as well as the sole Adviser of it.

I hope, Sir, the House will pardon me, for taking up your Time with shewing so particularly my Reasons why the Hon. Gentleman near me should concur with me in the Motion I am to make. My Reason for doing so may be easily guessed at; and, as for the other Gentlemen now in this House, who may have had some Share in those Negotiations, or in advising that Treaty, if there are any such, I am sure they ought, for the Sake of their own Characters, to promote an Enquiry into that Affair, if they really think it will bear being examined. As for my own Part, I shall freely own, that, in my Opinion, both the Treaty itself, and the Negotiations that preceded it, deserve to be, and, I believe, upon a strict Examination, will be as ex-

plicitly condemned by Parliament, as they have already been by the Nation. The Treaty of *Utrecht*, considering the Success of our Arms, was a bad Treaty: Our first Negotiations which afterwards produced that Treaty, were scandalous and dishonourable, because they were separate and distinct from our Allies in the War; but when this Treaty, and these Negotiations, are compared with our late Negotiations in *Spain*, and the Convention that was the Consequence of them, if the Authors and Advisers of the latter escape Punishment, the Authors and Advisers of the former deserve our Thanks. Therefore, if the Weakness or Wickedness of any Treaty or Negotiation, can be a Reason for a Parliamentary Enquiry, we have more Reason to enquire into our late Convention and Negotiations with *Spain*, than we had to enquire into the Treaty of *Utrecht*, and the Negotiations that preceded it; and, if the Discontents of the People be a Reason for enquiring into any publick Transaction, I am sure we have more Reason to enquire into our late Convention with *Spain*, than we ever had to enquire into the Treaty of *Utrecht*. The latter was very far from having raised a general Discontent: It was, 'tis true, condemned by most of the Men of superior Knowledge and Sense in the Nation, but it was approved by such as do not consider the remote Consequences of Things; and, if we include the Populace, I may say, it was approved by a Majority of the Nation. Whereas our late Convention with *Spain* was not, I am convinced, approved by any Man of Sense in the Nation, except those only who were governed by private and selfish Motives of their own; and the Dishonour and Disadvantages of it were so apparent, that it was exclaimed against by all Ranks and Degrees of Men.

I hope, Sir, it will not be urged against my Motion, that the Convention was approved of by Parliament; for suppose it had been approved of in the most plain and express Terms in last Session of Parliament, it can be no Argument against enquiring into it, or condemning it in this. The Treaty of *Utrecht* had been approved of in the most express Terms by the very next preceding Session of Parliament, and yet, we find, it was enquired into, and not only expressly condemned, but the Authors and Advisers of it punished, in what I may properly call the very next ensuing Session. But the Convention was so far from being expressly approved in last Session, that it was with great Difficulty, and by a small Majority, it met with any Sort of Approbation. Nay, I am convinced, if the Argument had then rested upon the single Merits of the Treaty, it would have met with an express Condemnation. But as Peace is a desirable Thing, and as Gentlemen were afraid, that by condemning the Convention they would prevent the Conclusion of that Treaty of Peace they were made to hope for, and might thereby involve the Nation in a War, therefore, to avoid the Imputation of being the Authors of a War, they were against condemning the Treaty in Parliament, tho' they could not but condemn it in their Hearts. This, I verily believe, was the Way of thinking with many Gentlemen who voted for the Address then proposed; and as those Gentlemen are now free from such Fears, as they may now consider the Convention, and give their Sentiments of it freely, and upon its own Merits, I have Reason to hope, they will not only join with me in moving for the Papers relating to it, but also in moving for having those Papers referred to a Committee of Secrecy; for if the Treaty deserved

last Year to have been condemned upon its own Merits, it must now deserve more to be so, since it has failed of producing the only good Thing those Gentlemen could expect from it. Nay, such Gentlemen have, I think, more Reason than others to have the Treaty enquired into, and either vindicated or condemned; because they were last Year induced, by false Hopes, and arrogant Assurances, to give a Sort of Approbation to what had been condemned by the Majority of the Nation, and what they could not, in their own Consciences, directly approve.

But suppose, Sir, there may be some Gentlemen in this House who did approve, and still do approve of the Convention, as well as the Negotiations previous to it; and suppose, as the Hon. Gentleman near me has often said, that both may be fully justified, surely no Man who thinks so can be against our taking the most proper Method for bringing the Nation into their Way of thinking. The Desire of bringing others into our Opinion is so natural to Mankind, that no Man will refuse doing it, when he has a proper Opportunity for that Purpose; and as the Discontents of the Nation still run very high against that Treaty, and those Negotiations, I have shewn, that it is the Duty of every Member of this House to endeavour to remove them, by taking the most proper Method for shewing the People their Mistake, and that they have no Reason to be dissatisfied with either. Thus if we approve of the Convention, we ought to enquire into it: If we do not approve of the Convention, we ought to enquire into it; and therefore, let Gentlemen pretend what they will, I cannot suppose that my Motion will be opposed by any, but such as are conscious of the Weakness or Wickedness of that Measure, and

are against its being enquired into by Parliament, lest they or their Friends, who had a Hand in that Treaty, should be thereby brought to suffer the Punishment they deserve; but as the Number of such Gentlemen is not, I hope, very A great in this House, therefore, I think, I may make my Motion with some Confidence of Success; and that there may be no Objection made to the Form of it, I have drawn it up in the very Words of the first Motion made for enquiring B into the Treaty of *Utrecht*. My Motion is, (as before, p. 168, 171.)

The next Speech I shall give you was that made by M. Tullius Cicero, the Purport of which was thus.

Mr. President,
S I R,

O F all the Duties incumbent upon us as Members of this House, there is not one more necessary than that of supporting his Majesty in the Prosecution of the present War, and avoiding every Thing that may interrupt him, or any of those employed by him, in that Prosecution. The Gentlemen that were concerned in advising and conducting our late Negotiations with *Spain*, or in concluding the late Convention, are not, I am very sure, in the least afraid of a fair and impartial Enquiry into that whole Affair, or of having all the Papers relating to it laid before this Assembly; but if such an Enquiry were to be set on foot, they would have Reason to be afraid of an unfair and partial Enquiry into their Conduct: I say, Sir, they would have Reason to be afraid, for tho' such a Thing be improbable, it must be allowed to be possible; and a bare Possibility is, in such a Case, a sufficient Ground G of Fear. This must of course give them a good deal of Uneasiness, and put them to an infinite deal of

Trouble, as we may most rationally conclude, from the Loads of Papers we have already upon our Table, relating to those Transactions. These, and a great many more, the Gentlemen concerned, and their Friends, must carefully review, for otherwise their Enemies might, from some of the Papers, pick Objections to their Conduct, which, without examining other Papers, might appear feasible and well grounded; from whence we must perceive, what an infinite Trouble the Gentlemen concerned in those Transactions must be put to by such an Enquiry; and this Trouble no Gentleman can in Justice resolve to put them to, unless he suspects, at least, their having been guilty of very C great Enormities.

From this Consideration, Sir, which will hold good in all Cases as well as this, we ought to lay it down for a Rule of our Conduct in this House, never to subject any Man to the Trouble and Danger of an Enquiry, D unless we think, we have good Reason to suspect his having been guilty of some very great Weakness, or some real Crime, in the Affair he had under his Management. This ought, in all Cases, and at all Times, to be our Rule of Conduct; E but in the present Case, and at the present Time, we are more than ordinary under an Obligation to follow it; because we are now engaged in an expensive War, and a War which may become dangerous as well as expensive; and because F some of those Gentlemen that had a Hand in advising or conducting our peaceable Negotiations, are now employed by his Majesty in advising or conducting the Measures proper to be taken for a vigorous Prosecution of the War: This every one knows to be our Case at present, and without Compliment, I think, I may say, these Gentlemen are the most proper to be employed; because

cause they must be supposed to be the most sensibly touched with the Shifts and Chicanes of *Spain*, and the most thoroughly acquainted with the Affairs and present Situation of that Nation: Their Resentment will prompt them to carry on the War with the utmost Vigour, and their Knowledge will direct them how to carry it on with the greatest Success. Therefore, of all Things, we ought, at present, to avoid entering upon an Enquiry into their past Conduct, unless we are fully convinced of their having been guilty of some egregious Weakness or gross Fault; and, if none but those who think so will join with the Hon. Gentleman in his Motion, I believe, it will not meet with that Success he seems to expect.

A popular Discontent or Clamour, when it becomes general, and is entertained by Men of Sense and Figure, as well as by the Vulgar and Ignorant, is a Misfortune, I shall readily grant, Sir, which ought never to be neglected by this House. This is what will never, I believe, admit of a Dispute amongst us; but the Dispute generally is, whether the Discontent be general, and by what Sort of People it is entertained; and, in this, most Gentlemen without Doors pass their Judgment according to the Company they keep, and the Place they chiefly reside in; but this, I am sure, is far from being a right Way of judging within. We are here, Sir, the Representatives of the whole Nation: We are here to judge, as the Majority of the Nation ought, and may be supposed to judge; and, as it is impossible for any one Member of this House to know the particular Sentiments of every Man in the Nation, he must form to himself some other Method of Judging. The only sure Method he can, for this Purpose, lay down, is, to consider the Affair in Question, and to sup-

pose that the Majority of the Nation, at least the Majority of Men of Sense or Figure, are upon the right Side of the Question. To apply this Rule to the Case in hand: We are not to suppose, much less judge, that the Majority of the Nation are dissatisfied with the late Convention, because we find the Majority of those we converse with dissatisfied with it; nor are we to suppose, that the Majority of the Nation are pleased with it, because, the Majority of those we converse with, are so; but, we are to consider the Convention itself, with all the Circumstances attending it, and, if we are from thence convinced, that it was a good Thing at the Time it was made, we ought to suppose, that most Men of Figure and Sense in the Kingdom approve of it.

This is the only Method, Sir, by which, as Members of this House, we ought to judge, what are the Sentiments of the Majority of the Nation; and according to this Method, I must suppose, that the Majority of the Nation neither were, nor are dissatisfied with the late Convention between us and *Spain*, because, I think, they neither had, nor have any Reason to be so. His Majesty was certainly in the Right to try all peaceable Methods for bringing the Court of *Spain* to hear Reason, before he resolved on having Recourse to Arms: This was the repeated Advice of his Parliament; and, his following this Advice, shewed his Regard to the Trade and Happiness of his Subjects. The Court of *Spain* had, for some Years, amused him with Promises, and with Protestations that they were ready to settle all Disputes in an amicable Manner; and, the best Way for putting these Protestations to the Proof, was to bring them to some one Point, which must necessarily be performed in a few

Months. The Point fixed on by his Majesty for this Purpose was, their making good the Damages our Merchants had sustained. This they promised, by the Convention, to do in a very short Time; and, if they had performed this Promise, it would have been a good Pledge for their Sincerity in the future Negotiation. If the Convention, Sir, had been a definitive Treaty: If, by such a Treaty, nothing had been obtained but a Reparation for past Damages, without any Stipulation for future Security, I shall grant, it would have been a bad Treaty. But, as the Convention was designed only by way of Preliminary, and as immediate Reparation for all past Damages was stipulated, in order to put the Sincerity of the *Spanish* Court to the Test, I must still think it was the wisest and the best Method we could take, for avoiding the Imputation of involving ourselves rashly in War, and, at the same Time, for preventing its being in the Power of the Court of *Spain* to amuse us longer with empty Promises or deceitful Protestations.

This is the only true Light, Sir, in which the Convention can be considered; and, when I consider it in this Light, I cannot suppose, that any impartial Man of Sense in the Kingdom ever did, or can now find fault with it, or with the Negotiations that preceded it; and as I shall always take the Sense of Parliament to be the Sense of the Nation, that is to say, of the Majority of those whose Opinions we ought to regard, this Treaty, and all the previous Negotiations, having met with the Approbation of Parliament, I must, from thence likewise, conclude that they were, and still are approved by the Majority of those that make any Sort of Figure in their Country. The mere Populace, indeed, in all Countries, are fond of War, because they can lose

nothing, and some of them generally make their Fortunes by War; therefore, we ought not to wonder, if they find fault with every Measure that is taken for avoiding a War, which, tho' it be their Delight, must be allowed to be a publick Calamity; and the natural Inclinations of the Populace in this Kingdom, were roused and inflamed by our Merchants and Seamen who had suffered by the *Spanish* Depredations, and who were governed by their private Resentment, and not by any publick Regard for the Good of their Country; but, I hope, it will not be alledged, that a War ought to have been entered into, merely for the Sake of giving such Men Satisfaction, or that this House ought to enter upon an Enquiry, merely for the Sake of putting an End to such Discontents. Besides, even these Discontents cannot now be insisted on as a good Foundation for an Enquiry, because they are really now at an End. His Majesty's Declaration of War put a final End to them, as we have often been told, even by those that seem to patronize this Motion. An Enquiry, indeed, may, nay, I am convinced, will revive them; because it will be impossible to convince Men who judge so partially, and, I may say, selfishly, that any Measure for preventing the War was right, or that the Advisers and Conductors of such Measures ought not to be punished; and, as I cannot suppose, that this House will punish Gentlemen who shall, upon an Enquiry, be found, thro' the whole Tenor of their Conduct, to have had a true Regard to the Interest of the Nation in general; I must conclude, that the Enquiry proposed will, probably, end in reviving those ill-grounded popular Clamours, with the additional Misfortune, that this House will then share in the supposed Guilt of our Ministers and Negotiators.

Thus

Thus I have shewn, Sir, that a Parliamentary Enquiry into our late Negotiations with *Spain*, would be dangerous, because it would, probably, revive the Discontents and Clamours, groundlessly, in my Opinion, raised against those Negotiations: That such an Enquiry would be prejudicial, because it would interrupt us in the Prosecution of the War; and that it ought neither to be insisted on, nor agreed to, by any but those who are fully convinced, that the Gentlemen who were concerned in advising and carrying on those Negotiations, were guilty of great Failings and Enormities. As I am none of these, after thanking the Hon. Gentleman for the Piece of Advice he was pleased to direct, as I imagine, in particular to me, I must beg his Pardon for not following his Counsel. If I were the only Person concerned, I should be very ready to take his Advice: I should be ready, and shall always be ready to submit any Part of my Conduct to a fair and impartial Enquiry; but, I cannot make so free with the Conduct of other Gentlemen. I cannot give my Consent for subjecting them to the Trouble and Danger of a Parliamentary Trial, when I do not think there is the least Ground for suspecting their having been guilty of any Fault, and much less of any Crime. By a formal Trial, the most innocent Man must certainly be put to great Trouble, and he must always be exposed to the Danger of Mistakes, Misapprehensions, or Partialities, on the Part of those that are to be his Judges: We have often heard of innocent Mens being condemned; and therefore, I shall never think it just in me to give my Vote for exposing a Man to that Danger, when I am fully convinced of his Innocence.

With regard to the Precedent upon which the Hon. Gentleman has been pleased to found his Mo-

tion, it may be a Precedent as to the Forms of Proceeding, but it can be no Precedent as to the Merits of the Case. Will any Gentleman say, that because we enquired into the Treaty of *Utrecht*, therefore we ought to enquire into the late Convention between *Spain* and us? Is there any Parallel between the two Treaties? Is there any Parallel between the Circumstances of this Nation, or the Circumstances of *Europe*, at these two Periods? Is there any Parallel between the Persons concerned in negotiating these two Treaties? Can the Convention be suspected of any such latent Design as the Treaty of *Utrecht* was, strongly, and with great Reason, suspected of? I am really surprized, Sir, to hear the Enquiry into the Treaty of *Utrecht* brought as a Precedent, or an Authority, for what is now proposed. If it was mentioned as a Proof, that the Parliament has a Right to enquire into any Treaty or publick Transaction, it was quite needless to bring a Precedent or Proof for this Purpose, because it is what no Man will now, thank God! deny. But if our having enquired into that Treaty was mentioned as an Argument for our enquiring into this, it is, I think, one of the most inconclusive Arguments that was ever made use of in any Debate. The Treaty of *Utrecht* was a most dishonourable Treaty, at the End of a most successful War: The Convention was only a Preliminary, or an Attempt to prevent a dangerous War. At the Time of the Treaty of *Utrecht*, the Circumstances of *Europe* were in the most happy Situation for this Nation, and our Enemies were, in some Measure, at our Mercy, if we had not entirely confounded this happy State of our Affairs, by deserting our Allies at that critical Juncture: Whereas, at the Time of the late Convention, the Circumstances of *Europe* were in no very

very happy Situation for us, and, I am sure, it cannot be said, that those we might then reasonably expect to be our Enemies, were in any Measure at our Mercy. The Treaty of *Utrecht* was concerted, negotiated, and concluded, by those who were known, I may almost say, declared Enemies to the Protestant Establishment; and there was a violent Suspicion, that in the negotiating of that Treaty there was an underhand Plot for overturning that Establishment, and placing the Pretender upon the Throne of these Kingdoms: Can it be said, that the late Convention was negotiated by such Men? Can it be suspected, that any such Plot was carried on under the Cloak of that Negotiation? Besides these Differences in the two Treaties, and the Circumstances that attend them, there was a very material Difference in the Approbation the two have met with. The Treaty of *Utrecht* was, 'tis true, approved of by Parliament, but it was by a new Parliament, and a Parliament generally composed of Men of a different Complexion, that it was enquired into and condemned: Whereas the Convention was approved of by this very Parliament; and I cannot think, it would add much to the Credit or Dignity of Parliaments, to see a Treaty condemned in one Session, which had been approved of in the very next preceding Session of the same Parliament. For my Part, I cannot see how any Gentleman can, this Session, vote for an Enquiry into a Treaty, which last Session he so far approved of, as to advise his Majesty to proceed upon the Footing of that Treaty; for, I hope, no Gentleman will, after what I have said, vote for enquiring into a Treaty which, he thinks, he has no Reason to condemn; and therefore, I am convinced, no Gentleman will vote for this Motion, who agreed to

the Address, last Year, upon our taking the Treaty into our Consideration.

From what I have said, Sir, I hope, it is evident, the Enquiry into the Treaty of *Utrecht* can be no Precedent, or Argument, for what is now proposed. I have often, indeed, heard Precedents quoted in this House, which, I thought, had very little Relation to the Case in hand; but I never heard a Precedent quoted, which I thought less *à propos* than the present. The Enquiry into the Treaty of *Utrecht* can no more be brought as a Precedent, or an Argument, for enquiring into the late Convention, than it can be brought as a Precedent, or Argument, for our enquiring into the grand Alliance; therefore, the Hon. Gentleman's Motion must rest entirely upon the Opinion we have of the Gentlemen concerned in advising or conducting our late Negotiations with *Spain*, and upon the Opinion we have of the Fitness of the present Time for setting on foot an Enquiry into their Conduct. As I have a very good Opinion of the Gentlemen concerned: As, I think, there is nothing appears, either from the Convention, or from the Papers already before us, that can in the least impeach their Conduct; and as, I think, this is not a fit Time for enquiring into it if there did, I shall, therefore, be against the Motion, and, I hope, every Gentleman that thinks as I do, will join with me in putting a Negative upon it.

The last Speech I shall give you upon this Occasion, was that made by Mæcenas, which was to this Effect, viz.

Mr. President,
S I R,

I THINK it my Duty to be warmly for this Enquiry: I think it my Duty,

Duty, not upon the Principle of a Whig, or of a Tory, but upon a much better Principle than either, a Principle of Love to my Country, superior infinitely to any Party Names or Distinctions. But I am not in the least surprized, that some Gentlemen should be very unwilling we should look back to the Transactions that preceded the War: Transactions, which, for the Honour of the Nation, one ought to wish might sink in Oblivion, if, while we are smarting with the Effects, it was possible for us not to remember the Cause; and, indeed, I believe, that such a Retrospect would be painful enough to us all; for who can be easy, that considers from what a Precipice we lately escaped, and that those who drove so near to it, have the Reins still in their Hands? But unpleasant as it is to look back, it is the proper Business of Parliament: It is our Duty to look back, that we may know the better how to look forwards, that we may understand the full Merit of our Minister's Services, and suit our Expectations of the future, to our Sense of the past.

It has been said, that this Treaty, we wou'd enquire into, has been approved by this Parliament. Sir, I will be bold to say, it has been condemned in Effect by the King himself, and by the whole Legislature. I will be bold to say, there is not one Word in his Majesty's Declaration of War, not one Word in any Resolution, in any Address, or in any Act of Parliament for supporting the War, that is not directly opposite to the Principle upon which the Convention was built, upon which all our Measures, all our Negotiations were founded, as long as the Genius of our Ministers prevailed over the Spirit and Sense of the Nation. Sir, the Principle of the War is to consider our Right, *Not to be searched*, as an indubitable

Claim, that will not admit of any Discussion: The Principle of all these Negotiations, and of the Convention itself, was to consider it as a Matter that required to be discussed, and to be regulated; and A would to God, Sir, we had gone no farther in the Course of those able Negotiations: But it is a melancholy Truth, which can be proved from Papers now on your Table, that for many Years together, there was hardly a Letter written by our B Ministers, a Demand made by them, or a Plan of Accommodation proposed, or accepted, which did not evidently tend to weaken our own Right, and strengthen our Enemy's, by some new mistaken Conception in their unwarrantable, groundless C Pretensions. Nay, so late as in *December 1737*, we contended with our whole Strength, that the Regulations laid down in the Treaty of 1667, with regard to searching in the Seas of *Europe* for contraband Goods, should be deemed to extend to *America*, D and observed there, in searching our Ships. What a Condition had we been in, how grossly entrap'd by our own astonishing Ignorance, if *Spain* had taken us at our Word, and allowed the Demand! With what Grace, after that, could we have presumed to talk of *no Search*? But luckily for us, the *Spanish* Minister served us a great deal better than our own: He was so good to teach us, how to understand our own Treaties; and so, at last, we saw our Error, and set the Dispute on its proper F Foundation. Are not these, Matters that deserve to be look'd into a little more closely? Is not here, Business sufficient to employ a secret Committee?

Sir, is it enough for a Ministry to declare themselves honest, and wise; and are we to take their Words for it, against such terrible Grounds of Suspicion? Sir, I own myself very unfit to judge for Gentlemen in an

an Administration; but, if I could form any Judgment, how they ought to conduct themselves, I should think, the throwing out daily Defiances to find any Fault with them, and then denying all Means of Enquiry, must be very bad Policy; because, it is so far from looking like Innocence, that it gives the strongest Suspicion of Guilt. When K. Charles I. told the Commons, (who were preparing Complaints against *Buckingham*.) That he would not allow any of his Servants to be questioned in Parliament, he spoke the Language of despotick Power, and such as this House would never endure. But if, instead of speaking so openly, he had a little softened his Stile, confessed *their Right* to question his Servants, but at the same Time denied them *the Means*: If *Buckingham* himself had challenged them to examine his Conduct, or the Conduct of those who acted by his Instructions, and under his Orders; and then refused them the Sight of those Instructions, and the regular Methods, according to the Usage of Parliament, of examining into those Orders; the Appearance, indeed, would have been fairer, but the Proceeding itself would have been equally dangerous, equally fatal to the Rights of this House.

Sir, that Parliament would not have bore it; for it was composed of such Men, as had no Influence upon them, to abate the Spirit and Zeal with which they proceeded to enquire into, and punish Mal-administration: Such Men, as at their first Meeting, before they would give one Penny of Money, to support the King in a War with *Spain*, which had been begun at the Desire of Parliament, appointed a Committee to consider of secret Affairs, and another Committee for Grievances. You will find them upon their Journals: The Neglect of guarding the Seas: The Misemploy-

ment of the publick Treasure; and the Dishonour brought upon the Nation. These they resolved to enquire into before they voted any Supply, without apprehending any Reproach of Want of Zeal for the King, or the War; but that they might know the true State of the Nation, and carry on the War with more Chearfulness, when Justice was done upon those who had involved them in so many Difficulties. The same Parliament declared, and it stands uncontroverted yet upon your Journals, 'That common Fame is a good Ground of proceeding for this House, either by Enquiry, or, if the House find Cause, by Impeachment.' Accordingly, Queries were drawn up, to enquire into the Conduct of *Buckingham*, which were afterwards turned into Articles of Impeachment against him, and the King, to save his Minister, had no other Way than dissolving that Parliament; for the Art of softning them by Corruption was not in use in those Days.

Sir, I hope, I have not mispent your Time in calling back to your Memory the Proceedings of a former House of Commons, which deserve, I think, the greatest Respect, and are mentioned with Reverence by the most impartial Historians. How History will mention ours, I wish, we may think worth our Concern; but how the Nation will judge of them now, I am sure, we ought to consider. Sir, if a King has lost the Esteem and the Hearts of his People, the Interposition of Parliament may awaken him to a Sense of his Error, and by healing Counsels, reconcile, and restore them again; but if Parliaments themselves act so as to lose their own Dignity, and, by Consequence, the Esteem and Love of the People, who shall then interpose, or what Mediator is left? It is such an Evil as admits of no Remedy: It is the worst Mis-

Misfortune that can ever befall a free Government.

To have approved the Convention; to have rejected a Motion for laying before Parliament, the Instructions of the Minister, who concluded, and signed that Convention; and then to deny the Means of examining into those Negotiations, upon which *Spain* grounds those very Pretensions, that we are fighting now to destroy, will certainly do us great Honour in the Opinion of those, who are this Year to pay *Four Millions* for supporting the War. What they will think of all this, I do not know; but, I am apt to believe, they will never think about it, without having it at the same Time in their Thoughts, that the same House of Commons has *three Times* rejected the Place-Bill.

[This JOURNAL to be continued in our next.]

M. Aburius, in the Character of the Earl of Abingdon.

Q. S. Sarra, in the Character of the Bishop of Salisbury.

L. Voluminus, in the Character of Edward Waller, Esq;

C. Hostilius Tubulus, in the Character of Mr. Alderman Heathcote.

Horatius Cocles, in the Character of Sir John Hynd-Cotton.

Common Sense, March 28. N^o 216.

Of some political Mistakes, and the Absurdity of supposing a Grand Vizier in this Kingdom.

I CAN'T help reflecting how much all the World hath been out in their Computations with respect to the Expence of the present War: It was a Measure call'd for by the Nation long before it was begun, and one Reason, among many others, that made the Nation wish for it, was, that no body ima-

gined the Charge of a War with *Spain* could be greater than the Charge of negotiating a Convention with *Spain* had been.—It seems they were mistaken.

In the next Place, every Body counted upon it, that by the Superiority of our Strength we should so distress *Spain*, that within less than a Year we must certainly have a Peace upon our own Terms.—In which they were also mistaken.

It was well known that *Spain* was so far from being able to carry on an offensive War, that she was in no Condition to defend herself, against the Force we had then at Sea; from whence they concluded, that we should not be reduced to the Necessity of laying Embargoes, or any other Measures that distress Trade.—In which they were mistaken.

When the naval Power of *France* was at the highest, and we were engaged both against *France* and *Spain*, it was not forgot that we beat the Enemy, and protected our Trade; from whence it was concluded, that having now the wisest Minister the World ever saw, and having to do with *Spain* alone, we should, long before now, have blown the *Spaniards* out of the Sea.—In which they were very much mistaken.

It was remember'd, that when we had *France* for an Enemy, we trusted to our naval Power for the Defence of the *British* Dominions, as if standing Armies at home were dangerous to our Liberties, and useless against an Enemy. As *Spain* hath neither Ships of War nor Transports to invade us, it was imagined, that there would not be a Man extraordinary rais'd for the Land Service.—In which, I hope, they will own they were very much mistaken.

In fine, there is not a Conjecture that hath been made in relation

to the Operations and Success of the War, but what hath been vague and wild, which shews how little Stress is to be laid upon the Opinions of those who are not in the Secrets of Affairs. This brings to my Mind the Saying of our great and wise Man, 'That when a War is once begun, no body knows when it will end; but, I presume, he meant, no body but himself: He pretends to foretel Peace and War. *Patridge*, of lying Memory, famous for calculating Nativities and mending Shoes, was not a greater Politician, and some think, not a greater Cöbler.

I know it is a receiv'd Opinion, that no one Man is wiser than all the World, and therefore we must not attribute the Prosperity of the Nation, the Happiness of the People, and the glorious Figure we have made for some Years past, both in Peace and War, intirely to the Conduct of any one Man. Sure we have no such *Colossus* of State in this Kingdom as a Grand Vizier.

If any one Man takes upon him the Administration of the whole Government, it is very likely he will have the Insolence to fill the great, as well as the small Employments, with Creatures of his own; no Man must pretend to any Preferment but thro' him: His low Tools will be sent to govern Provinces abroad, and to negotiate with foreign States; but he that does this must do more, or else he is lost; he must subdue that Power which is to punish such Usurpations, that the very Laws themselves may lie at his Mercy. When he is grown so strong, it may be depended upon that he will shew himself: He will say, I will have such an Act made, and such an Act repeal'd, to shew that he is the whole Legislature himself: Or, I have given Leave that such a Law shall pass one House; but I have order'd it to be thrown out in

the other.—But if ever such Things should be done, they can be no Secrets.

I take it for granted, that even foreign Courts will find it out; for, no Doubt, the Nation must sink in its Figure by the despicable Tools that will be sent to do its Business abroad, who will take their Orders and Instructions from the Grand Vizier, without communicating any Advice even to a Secretary of State, but what they shall be directed by him to communicate. I dare say, such a Power as is here represented would not be suffer'd in a Grand Vizier at *Constantinople*; I hope it never will be suffer'd in a Grand Vizier in this Kingdom: If any Privy Councillor with us, (the Secretaries of State excepted) should take upon him to instruct a Minister at a foreign Court, it must be his Ruin, if he had never committed any other Crime.

The Lord *Danby*, Lord High Treasurer in the Reign of K. *Charles II.* D writ a Letter to Mr. *Mountague*, then negotiating a Treaty with the Court of *France*, wherein he instructs him what Conditions to insist upon, desiring him, when he should write to the Secretaries of State, to mention these Points only as Things which he believes the *French* Court may be brought to consent to. This Letter was laid before Parliament; for no Member opposed the producing such Papers as were necessary towards giving the Representatives of the People a Light into the Conduct of the Ministers.—It was judg'd sufficient Ground for an Impeachment.

The Earl was accordingly impeach'd, and the first and strongest Article against him runs in these Words:

G "That the Earl of *Danby* hath traiterously incroach'd to himself regal Power, by treating in Matters of Peace and War with foreign Princes and

and Ambassadors, and giving Instructions to one of his Majesty's Ministers abroad, without communicating the same to the Secretary of State, and the rest of his Majesty's Council."

This Letter was written with the King's Privy and Consent; for at the Bottom these Words appear'd in the King's own Hand,

This Letter is written by Order,

C. R.

But altho' the King had laid his Commands upon him, to have writ this Letter, that would have been no Excuse: It was his Duty to have advised his Majesty to lay the Matter before the Privy Council, that, if it had been approv'd there, the Instructions might have gone from the Secretary of State;—he should have lost his Employment rather than have complied.

By this Impeachment it appears, that had the Treaty been the most honourable and advantageous to the Nation that ever had been made, yet it would have been no less than Treason in my Lord Danby to have meddled in a Province which did not belong to him.—It must therefore be Nonsense for any Man to say, that there is a Grand Vizier in this Kingdom, who hath had the Insolence to tell the whole Nation, that he will make Peace and War:—That he will take all upon himself.—There is no Occasion for bringing Proofs against such a Man, —he ought to be h—— by his own Confession.

Some Account of the TRIAL of Samuel Goodere, Esq; late Commander of the Ruby Man of War, and Matthew Mahony; who were tried on March 26, before the Right Worshipful Henry Combe, Esq; Mayor of Bristol, and the Worshipful Michael Foster, Esq; Serjeant at Law, Recorder of the said City, &c. for the Murder of Sir John Dinely Goodere, Bart. on board the Ruby, in King-Road, Bristol. (See p. 49, 98, 153.)

AFTER the Counsel for the King had open'd the Indictment, the first Wit-

ness that was call'd, was Mr. Jarrist Smith, Attorney at Law.

Court. Mr. Smith, where do you live?

Smith. On College Green. The Sunday before this Murder was committed, the Deceased, by my Invitation, was to dine at my House the Sunday following, of which the Prisoner being apprized, came into the Neighbourhood, and sent for me, and earnestly interceded with me, to admit him, the Prisoner, into the Company of his Brother, the Deceased, under Pretence, as the Prisoner said, to accommodate and reconcile their Differences in an amicable Manner.

Court. Where was the Prisoner when he sent for you? Did you go to him?

Smith. He was at College-Green Coffee-House, and I went to him, and I was so pleas'd with the Proposal of the Prisoner, and the Hopes of their Accommodation, that, without the least Hesitation, I immediately introduced the Prisoner into the Company of his Brother the Deceased: And in such a Manner did the Prisoner behave, that, seemingly, the Deceased and he were as good Friends as ever: After Dinner I withdrew, and left them by themselves, for the Space of an Hour, till I was call'd in, and after we had smok'd a Pipe together, Mr. Goodere took his Leave of Sir John Dinely, in the most friendly and affectionate Manner imaginable.

Court. What Time of the Day was it that the Deceased went from your House?

Smith. It was dark, and I believe it might be near Six o'Clock in the Evening.

Counf. Pray, Mr. Smith, acquaint my Lord and the Jury, what happened after.

Smith. My Lord, I accidentally heard, the Sunday Evening that they were at my House, that a Person who had the Appearance of a Gentleman, was hurried in a violent Manner over College-Green, and that a Gentleman who was concerned in hurrying the Person away, answered the Description of Capt. Goodere; and knowing his Ship was to sail the first fair Wind, and remembering that they went out of my House near together, it came directly into my Head, that the Captain had taken him on board, to distress him to concede to his Terms, and perhaps might destroy him, when they came on the high Seas. And this Suspicion being strengthened by other Circumstances, it made such a deep Impression on my Mind, that I was not easy all Night; but considering how long it would be before I could obtain his Majesty's Writ, *De homine replegiando*, I went the next Morning to Mr. Mayor, for a Warrant, and an Officer to go on board the Ruby Man of War, to search her before she was sail'd out of the Liberty of the City; and accordingly his Worship sent the Water-Bailiff, with proper Assistance, and full Power

and Instructions to search the Ship for Sir John Dinely.

Another Witness, whose Name is not mention'd, declar'd as follows:

My Lord, I was passing along *College-Green*, and I saw six Men hurrying the Deceased along towards the Hot Well, when the Deceased, as he was carried along, cried out, *Murder! Murder! I am Sir John Dinely Goodere*, and the Prisoner stopp'd his Mouth with his Cloak; upon which some People, who did not know his Name, asked what was the Matter, when Mr. Goodere, the Prisoner at the Bar, said, it was only a Thief and a Defter, and that they were going to carry him on board the King's Ship to try him. And, my Lord, not knowing what might be the Consequence of interposing in Matters of this Nature, having lately seen the sad Effects of opposing the Authority of a Press-Gang, I went home and thought no more of the Matter, till the Monday Night, when there was a Report of the Murder; and therefore next Day, I went before the Worshipful Mayor and Aldermen, and discovered what I knew of this Transaction, in the same Manner as I have to your Lordship.

Court. Would the Prisoners ask this Witness any Questions?

Pris. No, my Lord.

A Sailor sworn.

Sailor. May it please your Honour, my Lord, I was order'd to watch in the Boat, whilst our noble Captain and the other Boat's Crew were on Shore, and about Six o'Clock on Sunday, the 18th of January last, our Boat's Crew brought the Deceased into the Boat, among whom was our Captain, *Matt. Mabony*, and *Charley White*.

Counf. Pray what passed there between the Prisoners and the Deceased?

Sailor. Nothing as I know of, an please your Worship.

Counf. Was there no Dialogue between the two Brothers?

Sailor. Dialogue!

Counf. Ay, Dialogue!

Sailor. If you call it a Dialogue, it was a very odd one, such as I had never heard between two Brothers.

Counf. Tell the Court what you heard them say to each other.

Sailor. An please your Honour, Sir John Dinely said to our noble Captain: *Brother, I know you have an Intention to murder me; I beg that if you are resolv'd to do it, that you would do it here, and not give yourself the Trouble of taking me down to your Ship.*

Counf. Pray did not your noble Captain, as you call him, say any Thing?

Sailor. Yes; Capt. Goodere said to Sir John Dinely, *Brother, I am going to prevent your rotting upon Land; but however, Brother, I would have you make your Peace with God this Night.*

Counf. Do you know any Thing more?

Sailor. I don't remember any more, only that when he came along-side our Ship, the Sailors help'd the Deceased on board, and it was my Station to stay behind and stow the Boat.

Court. Prisoners, would you ask this Witness any Questions?

Pris. No, my Lord.

The Master of the Ship sworn.

Counf. Sir, if my Instructions are right, you are Master of his Majesty's Ship the *Ruby* Man of War?

Master. Yes, Sir, instead of a better.

Counf. Then pray, Sir, I desire that you will be so good as to give the Court an Account of what you know relating to the unhappy Death of Sir John Dinely Goodere?

Master. My Lord, on Sunday the 18th of January —

Counf. Sir, I must crave the Favour, that you will raise your Voice, so that the Jury may hear what you say.

Master. My Lord, on Sunday the 18th of Jan. last, about Six o'Clock in the Evening, my Servant came into my Cabin, and told me, the Captain was in the Boat, which was near the Ship, and accordingly I went on the Quarter Deck in order to receive the Captain, (which was my Duty in the Absence of the Lieutenant;) and when the Side was mann'd, the Captain (whom I am heartily sorry to see here in the Shape that he appears) orders some Hands into the Boat, to help his Brother on board; accordingly the Boatswain pip'd and ordered all Hands upon Deck, and some of the briskest Hands step'd into the Pinnace, and, in a Manner, hoisted the Deceased into the Ship; when he cried out that his Brother was going to murder him, and the Captain told me, *not to mind him nor his Noise, because he was mad, and that he had brought him aboard, on Purpose to prevent his making himself away; and then the Deceased was convey'd away into the Cabin, which is all that I know of the Matter.*

Counf. Pray, Sir, do you know any Thing of the Murder?

Master. No, until it was discovered by the Cooper.

Court. Would the Prisoners ask this Evidence any Questions?

Pris. No, my Lord.

The Boatswain sworn.

Counf. Pray, Sir, acquaint the Court of what you know, relating to this unhappy Affair?

Boats. My Lord, on Sunday the 18th of January last —

A Jurymen. I cannot hear one Word, my Lord.

Counf. Pray raise your Voice.

Boats. My Lord, on Sunday —

Counf.

Counf. I can't hear what you say, Sir.

Court. You must speak so, that the Gentlemen of the Jury may hear you.

Boatf. My Lord, on Sunday the 18th Day of January last——

Counf. 'Tis a strange Thing, Sir, that you won't speak out, I don't understand one Word you say; you can be loud enough on board, and make the Ship's Company hear you at the Main-top-mast-head in a Storm, and you can't speak loud enough here to be heard in Court.

Boatf. My Lord, Grief overcomes me, to see so worthy and so gallant a Commander, as ever went between Stern and Stern of a Ship, appear in the Manner as the Captain doth. On Sunday the 18th of Jan. last, about Nine o'Clock in the Morning, I had Orders from the Captain at the Bar, for whom my Heart bleeds! to direct that the Pinnace might be got ready; and accordingly I order'd the Boat's Crew to be in Readiness; and in about Half an Hour the Captain went ashore, and about 7 o'Clock in the Evening, being very dark, one of our Ship's Crew came into my Cabin, which is at the Bulk-head of the Steerage, to acquaint me that the Pinnace was along-Side, with the Captain in it; upon which I piped all Hands upon Deck, and ordered the Seamen to man the Side, when the Captain order'd a brisk Hand or two to step into the Pinnace, to help his Brother in; and when the Deceased came into the Ship, he cried out, they were going to murder him; but the Captain said, *That we need not mind him, because he was mad, and that he was brought on board on Purpose to prevent his making himself away*; and after Sir John came on board, he was conducted into the Cabin; and as it was my Duty to obey the Command of my Superiors, so I thought it would be imprudent in me to interpose in any Difference between the Captain and his Brother; otherwise I would have exerted myself, to have prevented the sad Effects, which afterwards happened.

Court. Would the Prisoners ask this Witness any Questions?

Goodere. My Lord, I would ask the Evidence, if he believes I would have been guilty of the Murder of my own Brother.

Boatf. No, for never did a more worthy Gentleman bear a Commission under his Majesty than Capt. Goodere, nor no Man ever carry'd better Command than he did, nor treated those who were under him, with more Humanity and kind Usage than the Captain did.

Counf. Set this Witness down, and call Bryant.

Charles Bryant. I was one of the six Men, hired by Capt. Goodere, the Prisoner at the Bar, to seize the Deceased, and forcibly to run him aboard the *Ruby Man* of War, then

lying in *King Road*. We met, by the Prisoner's Directions, at the *White Hart* on *College-Green*, where we had a handsome Dinner, and we were plac'd in the Balcony that we might be ready to receive the Signal and obey the Word of Command, without giving the least Suspicion to the People of the House.

A The Room we dined in, was opposite to Mr. Smith's House, so that we had Notice in a Minute when it was proper to seize Sir John. About Six o'Clock in the Evening the Signal was given, and we left the *White Hart*, and overtook the Deceased just before he came to *College-Green* Coffee-house, where I and five others, seiz'd him at the Word and Command of the Prisoner Goodere: We then immediately rushed on the Deceased, and dragg'd him along towards the Rope Walk, where was a Gang of twelve more of us, who were there ready to assist us, according to the Prisoner's Instructions. We hurried the Deceased along towards the Hot Well, where a Boat waited purposely to receive him.

C Court. Was the Prisoner Goodere with you all the while you dragg'd the Deceased from *College-Green* down to the Water Side, and put him aboard the Boat?

D Bryant. Yes; the Prisoner was with us, directing, aiding, and assisting all the Time, and when the Deceased cry'd out, *Murder! Murder!* I am Sir John Dinely Goodere, the Prisoner stopped the Deceased's Mouth with his Cloak, so that the People not knowing his Name, only ask'd, *What was the Matter?* The Answer the Prisoner and we gave, was, "That he (the Deceased) was a Thief and a Murderer, had made his Escape from the Ship, and that we were going to take him on board to secure him, in order for his Trial;" the Prisoner still stopping the Deceased's Mouth to prevent his crying out.

E Court. Did you go with the Deceased in the Boat to the Ship?

F Bryant. Yes; I did, and the Deceased had a little more Liberty than before, and he made use of it to speak to the Prisoner to this Effect: "Brother, I know you have an Intention to murder me; I beg that if you are resolved to do it, that you would do it here, and not give yourself the Trouble of taking me down to your Ship." To which the Prisoner replied after this Manner: "No, Brother, I am going to prevent your rotting upon Land; but, however, would have you make your Peace with God this Night:" And so without more ado, the Prisoner hurried the Deceased on board his Ship.

G Court. Did you go on board the *Ruby Man* of War with the Prisoner and the Deceased?

Bryant. I went on board and assisted the Prisoner. The Deceased loudly cry'd for Help, and made a great Noise, but the Prisoner took the Precaution to tell the Crew, "That they need not mind his Noise, because

cause he was mad, and that he had brought him on board on Purpose to prevent his making himself away:" And after we had convey'd him to the Purser's Cabin, we were all order'd, except *Mabony* and *White*, by the Prisoner, ashore, with Directions to conceal ourselves, and keep out of the Way of Enquiry.

Court. You say, when you left the Ship, *Mabony* and *White* staid behind; was it by the Prisoner *Goodere's* Order?

Bryant. *Mabony* and *White* were call'd into the Cabin, and the rest of us were immediately sent ashore: This is all I know of the Matter, till I was apprehended.

Court. You say, you was hired by the Prisoner to run the Deceased aboard the Ship, What did the Prisoner give you? How much Money each?

Bryant. We were treated, and had a little Present of Money given us, and promised a large Reward after the Business was done; but we have not received it to this Day.

Court. What was the Sum you receiv'd? And who did you receive it from?

Bryant. I had a Guinea given me by the Captain himself.

Goodere. When did I give you the Guinea? And was it not for Wages due to you?

Bryant. It was within a Day or two before we hurried the Deceased aboard: The Prisoner never owed me Wages, for I never was in the Prisoner's Service. I am a Sailor belonging to the *Vernon Schooner*, and an *Irishman*: He, the Prisoner, came, and hired me and five others, and gave each of us a Guinea, to do the Business, which we afterwards did, of hurrying the Deceased aboard the Prisoner's Ship.

Mr. Jones, Cooper of the Ruby, sworn.

Jones. Sunday, Jan. 18, about Seven at Night, the Captain brought his Brother, Sir *John*, on board, and convey'd him down to the Purser's Cabin, by Force: When he was down, the Captain ask'd *Whether the Cabin was clear* (for that the *Thursday* before the Murder, the Captain had order'd me to get the Purser's Cabin ready for a Gentleman who was coming on board:) I answer'd, *Yes, Sir*: Then he opened the Door, and the People of the Ship forc'd Sir *John* in, he groaning all the While. When he was in, the Captain call'd for his Steward, and told him to bring a Bottle of Rum and a Glass: The Captain ask'd Sir *John*, *How he did?* Sir *John* complain'd of Pains, especially in his Thigh: The Captain ask'd him, *If he would drink a Dram?* Sir *John* said, *He had drank nothing but Water these two Years.* The Captain then ask'd him, *If he would have any Rum to bathe his Thigh?* Sir *John* answer'd, *No*: Then the Captain order'd a Dram for *Mabony*, and *Elisha Cole* (who was the Person at first design'd to have done the Murder,

but that he was drunk:) After they had a Dram, they all came out of the Cabin. Then *Cole* desir'd Leave to speak to the Gentleman (Sir *John*) thinking he was the Captain of the Ship he was press'd out of: *Cole* went in, and told Sir *John*, *he did his Duty on board the Charles as well as another Man*, and swore he would have his Wages: Sir *John* told him, *He did not know him, nor any Thing of the Charles*: On which he again swore, he would have his Wages before he went out of the Ship; for that if he was not the Captain, he was the Owner. Shortly after *Cole* went out; when the Captain call'd one of the Carpenters to put *two strong Bolts on the Purser's Cabin Door*; which was accordingly done. About this Time Sir *John* ask'd, *If he could speak with any one of the Officers on board*: The Carpenter made Answer, *I am the Carpenter*: Sir *John* ask'd if he could speak a Word with him? He reply'd, *a Hundred if he pleased*. Then the Carpenter opening the Door, in order to clench the Staples, Sir *John* ask'd him, *What his Brother Sam. was going to do with him?* What, is he going to murder me? The Carpenter reply'd *No*, *He is willing to have your Company, Sir; he does it for your Good*: Sir *John* said, *But what will become of all my Servants and Estate all this Time?* On this the Carpenter retir'd: And presently after the Captain came down again, and order'd the Doctor's first Mate to go to feel his Pulse, saying, *We must patch him up as well as we can, he is a crotchey old Man*; Go in, says he, and feel his Pulse: Accordingly the Doctor went in, and when he came to Sir *John*, he asked him, *Where his Pains were?* He answer'd, *He lately came from Bath, and had a Pain in his Head*; and complain'd of many other Pains, occasion'd by the rough Usage in bringing him on board. Says the Captain, Doctor, feel his Pulse, and come out: So accordingly the Doctor came out, and the Cabin Door was shut. After this, I heard him begging and praying for God to be comfortable to him in his Affliction, for that he believed he was going to be murder'd; and hop'd it would be brought to Light, for that it was impossible it could be done without somebody bearing or seeing it. About Nine at Night I heard him knocking and calling out, *Ho! Ho! Brother Sailors! I have almost forgot my Sea Terms, let me have a Bucket to piss in, and ease myself, for it will be a Shame to do it in the Cabin.* Upon this I look'd out at the Cabin Door, and call'd out to the Centry to get something for the Gentleman to ease himself in: And presently afterwards *Mabony* came with the Bucket; when Sir *John* told him of his Exploits, and that he had been Captain of an *India-Man*, &c. About Two or Three in the Morning my Wife waked me: And I heard a vast Struggling at first, and the old Gentleman to cry, *Twenty Guineas! Take it!*

Take

Take it! Must I die! Must I die! And very soon after, all was quiet. Then a Candle was handed into the Cabin: And I saw, thro' the Crevice of the Partition, *Mabony* hold the Candle in his Hand, and *White* plunder'd his Pockets, turning his Body in order to come at it, and took out of his Pockets, his Watch and Money. But *White* not getting the Watch out of Sir *John's* Pocket easily, *Mabony* said to him, *D—n it, lay bold of the Chain*: It was some Time before they got the Watch out of his Pocket, being forced at last to unbutton his Breeches. *White* put his Hand into one Pocket, and found nothing but Silver, and putting his Hand into the other, said, *Here it is*: Then he put his Hand in another Pocket, and found a Piece of Paper, which he was going to read; but *Mabony* damn'd him, and bid him put it in his Pocket, and not stand to read it now. In about a Minute after, I saw a white Hand on the Throat of the Deceased, which I took to be the Captain's. Presently they all went out of the Cabin, and left the Deceased alone. Then I went to the Doctor's Mate and the Centry; and, by their Opinion, they took the Gentleman to be dead: Then I went to the Lieutenant and told him what I had heard and seen, and that *Mabony* and *White* had murdered the Gentleman, and that I believed the Captain was concern'd. The Lieutenant was very dubious of the Truth at first, telling me, he did not think the Captain would be guilty of any such Thing; but, on my giving him such plain Demonstrations of the Thing, he began to think there was something in it. While they were talking, the Midshipman came to acquaint the Lieutenant, that the Captain had order'd *White* and *Mabony* ashore: He swore they should not go ashore, for that they were the two Persons that had kill'd the Gentleman; but the Midshipman returning to the Captain, he order'd they should be put ashore immediately; and accordingly they were. About Nine or Ten in the Morning, the Lieutenant and Gunner contrived a Method, that I should go in and complain I had lost six Guineas out of my Chest: Accordingly going with this Complaint, I seiz'd the Captain as he was walking with his Hands behind him: And the rest who were at hand rush'd in after me. Upon the Captain's being thus seiz'd, he cry'd out, *Hay! Hay! what have I done! what have I done!* I reply'd, Sir, you are my Prisoner; you was the Cause of your Brother's Death last Night. The Captain said, *If there is Murder done in the Ship, I know nothing of it*: Accordingly he was secured, and the Barge order'd out for Four of the Crew to pursue *White* and *Mabony*. They took *White* at the Bell in *Marsh-street*, swearing and damning his Mother for sending him so much Money; he was very much in Liquor, but was soon conquer'd and brought be-

fore a Magistrate; when he was so drunk that his Confession was not taken till next Morning. About Twelve at Night they took *Mabony* at a private House opposite the Ship on *St. Michael's-Hill-Steps*, and convey'd him before a Magistrate, and when he was sober he also made his Confession of the Murder.

(See these Confessions at the End of this Trial.)

Anne Jones, the Cooper's Wife. On Sunday the 18th of January, 1740-1, somebody came down, when the Captain ask'd if the Cabin was clean? And bid them, *Bring the old mad Fellow in*: Then he called for the Doctor, and told him, *That he had got an old mad Fellow there, and that he must doctor him as well as he could*: Then they went into the Cabin, when the Captain ask'd his Brother, *How he did now?* Sir *John* told him, *He had a great Pain in his Arms and Thighs by the Men hawling him down to the Boat*: Then the Captain ask'd him, *If he would drink a Dram?* Sir *John* told him, *No; for he had drank nothing but Water these two Years*: Then the Captain told him, *He should have something to anoint his Thighs*, and call'd for the Steward to bring a Bottle of Rum; when the Captain ask'd his Brother again, *If he would drink*; who answer'd him *No*; on which the Captain said, *It is so much the better for you*: At this Time I perceiv'd there was in the Cabin one *Elisba Cole*, whom the Captain order'd a Dram for, and bid him sit down: Sir *John* still complaining of his Legs and Arms, the Captain order'd *Mabony* to pull his Stockings off; on which Sir *John* reply'd, *Don't strip me before I am dead*; and the Captain made Answer, *Don't mind him, for he is crazy*. Says Sir *John* to his Brother, *Brother Sam. what do you bring me here for? You can't murder me without letting somebody know of it*; telling him several Times, *He would rot in a Jail for it*: Then the Captain went to the Doctor's Mate, and sent him in to feel his Pulse, but charg'd him not to talk to him much; and in Obedience to the Captain's Command the Doctor went in to Sir *John*, and felt his Pulse; when Sir *John* told him he had a great Pain in his Head; that he had been a Week from Bed, since which his Head was worse than ever: Then the Captain went up to Supper; mean While the Carpenter came to put on two Bolts to the Cabin Door; when Sir *John* ask'd *Mabony* (who was constantly to and fro) if he could speak with one of the Officers? *Mabony* told him, they were all on Shore, unless it was the Carpenter, and he was nailing on the Bolts: On which Sir *John* ask'd, *If he was going to be nail'd in?* Replies *Mabony*, *No, Sir*: Then, says Sir *John*, *I desire to speak with the Carpenter*: On this *Mabony* went out of the Cabin, but neglected to acquaint the Carpenter of it; so that Sir *John* call'd the Carpenter himself, and ask'd him,

him, if he pleas'd to hear him speak one Word? The Carpenter reply'd, *Ay, twenty, if you please, Sir*: Then he ask'd the Carpenter, *What his Brother meant by bringing him there?* The Carpenter reply'd, *That he hop'd it was for his Good*: Sir John made Answer: *But what will my Servants and my Estates do the while? I suppose my Brother tells you I am a Madman; but I am not, tho' he is enough to drive me mad*: On which the Carpenter went out: About Ten o'Clock the Captain came down again with a Pair of Stockings in his Hand, and ask'd his Brother if he would put them on? Sir John told him, No; he would bide as he was: At this Time Sir John did not talk much, but told his Brother, *He would rot in a Jail*: On this the Captain bid Mabony see if he had any Knife about him; when Sir John took a little Knife out of his Pocket, and gave it to Mabony, and went and laid himself upon the Bed directly: Then the Captain went out, saying to his Brother, *He would go and see for some Sheets for him; and as the Captain went out, he spoke aloud, and charg'd (I suppose the Centry) that no one should come near him; for that by-and-by he'd kick and tear, and make a Noise, as tho' he would tear the Cabin down; for that he was a Madman*: Then the Captain went out and sat in the Doctor's Birth, saying to Mr. Marsh the Midshipman, *You must go ashore in the Morning between three and four o'Clock, and also order'd him to go to the Post-Office for the Letters*: That if any Body made Enquiry about the *Old Mad Fellow*, he should tell them, *That he had brought him on board to prevent his rotting in Jail*: In short, (continued he) *the World has blamed me, that I have not done it before*: About Twelve, Sir John asked Mabony for the Knife; *for what does my Brother think I am going to make away with myself? God forbid, the World is wicked enough to do that*: Telling Mabony it was his Son's Knife that was dead; and that he would have it again: And after he had talked to him some Time, he bid him go out, for that he could bide by himself: Mabony said to him; *Sir, I must bide and take Care of you*, and immediately put the Candle out: Sir John still kept talking with Mabony, praying to God to give him Patience; and Mabony told him, he must have Patience; Sir John reply'd, *sighing, I had as good*. Still Sir John kept on talking to Mabony, telling him, *If a great many Gentlemen of Bristol did but know how he was used, they would fetch him from thence*: Then Mabony told him, that he should go ashore in the Morning, and that then he would convey any Letters to the Post-Office, if he pleas'd: I fell asleep, and something after Two, I happen'd to awake, when I heard Mabony perswading Sir John to go to sleep:

Sir John and Mabony kept on talking for some Time, when on a sudden I heard a great Struggling, and two People whispering in the Cabin, and Sir John groaning and making a lamentable Noise, muttering out, *Mar—ar! Help, for God's Sake!* giving several Kecks with his Throat: Then somebody offering to open the Door, one of those that were of the Infide said, *Keep out, you Negar, or, Keep the Door to, you Negar*: And while that Person was at the Door, Sir John said, *Here's Twenty Guineas for you, Take it! Take it!* speaking in a very inward Manner, *Must I die! Must I die!* And between the Words he gave several Kecks for Breath, and spoke very inwardly, *Ob! my Life!* which were the last Words he spoke.

Duncan Buchanan, Jan. the 13th, 1740, the Captain ordered the Barge and Yawl up, (in each of which was a Midshipman) and ordered a Midshipman and six of the Bargemen to go to the Sign of the *White-Hart*, the Foot of the *College-Green*: When we came there I saw the Captain, Mabony, and five of the Privateer's Men, who were drinking hot Flip in a Room by themselves, while myself and the five Bargemen were sitting in the publick Kitchen drinking of Ale: Shortly after, I saw Sir John come from Mr. Smith's opposite the *White-Hart*, where his Man was waiting for him, with Pistols to each of their Horses: Then the five Privateer's Men seeing him, they rush'd out together, and were for seizing Sir John then; but the Captain ordered them not to touch him at that Time, but to follow him, and see which Way he went: Then they followed him round the Corner, and the Captain after them: But the Captain return'd to the *White-Hart* again in about an Hour, and ordered the Boat down.

The Sunday following, the 18th of January, the same Gentleman I saw on the Green, was brought on board the *Ruby*; and as he was bringing on board, the Captain bid the People mind not what he said, for that he was a Madman, and he would bring him to his Senses by-and-by. I saw no more of him for this Time. But at 12 o'Clock I was call'd to go Centry over Sir John in the Cock-Pit at the Purser's Cabin-door; a little after 12, the Captain sent his Man for me: I gave the Centry at the Gun-Room Charge, that no body should come down the Ladder till I had spoke with the Captain: When I went into the Captain's Cabin, I saw the Captain and Mabony with a Bottle of Rum and Glais before them, out of which I had a Dram. Then the Captain ask'd me, *If his Brother made any Noise?* On which I told him, that he made a little Moan for the Time that I was there. The Captain reply'd, *I know the Reason of that, he is wet, he wants to be shifted; I will come down and shift*

fast him with dry Stockings presently: When I went out, the Captain told me to let no body into the Purser's Cabin to Sir John, but Mabony.—Says Mabony, You may let another go in, because ——— here he went no further. About Two the Captain came down to the Cock-Pit, and ask'd me, if his Brother made any Noise? And listen'd himself at the Cabin-Door to hear if he made any Noise. Sir John made a little Moan: And the Captain said to me, Centry, give me the Sword, and you go upon Deck, because I want to talk to my Brother privately by himself: Accordingly I gave him the Sword, and went up into the Gun-Room, and there walk'd: A little after, down came Mabony, and the Centry ask'd where he was going? He said, D——n you, you Dog, what is that to you? D——n you, how busy you make yourself! Then Mabony went down (where the Captain was standing with a drawn Sword in his Hand) into the Cock-Pit, and so into the Purser's Cabin, where Sir John was lying: A little after I heard Sir John mutter out, Mur—der: And then every Thing was quiet for a little While; and the Captain took the Lanthron that was hanging up, and gave it into the Cabin himself: Then seeing the Candle given into the Cabin, I thought it not proper for the Captain to stand without a Light; and therefore I lighted a Candle at the Gun-Room, and was going down into the Cock-Pit, where the Captain was standing with a Sword in his Hand; at my Approach the Captain held his Sword to my Breast, and told me to keep back, saying, Stay where you are: Accordingly I went back, and walk'd for a small Space of Time in the Gun-Room: The Captain came to the Foot of the Ladder with the Candle out and gave it to me, telling me to light it and come down: Accordingly I lighted the Candle and went down, when he gave me the Sword, and bid me take his Post, locking and bolting the Purser's Cabin-Door, putting the Key in his Pocket, (which before the Murder, was left in the Cabin-Door) telling me, If I heard his Brother make any more Noise, to send to him, and let him know of it.

William Mac Ginnis swore, That he saw the Captain stand at the Purser's Cabin-Door at the Time of the Murder, with a drawn Sword in his Hand; and that when he offer'd to draw near him, the Captain held up his Sword, and bid him keep back.

The Captain in his Defence pleaded the utmost Innocence; alledging, That could it be thought he could be guilty of the Murder of his Brother Sir John, whereas, by his Death, he lost at least 40,000l? That the Sickness and Disorder in the House, debarr'd him of his Lawyers and Friends conversing with him: That he apply'd to the Captain of the Ruby as soon as he was allow'd Pen, Ink,

and Paper, for his Evidences on Ship-board (which were Lieutenant Perry, the Doctor, Mr. Robert Haythorn, Mr. Richard Wilson, and Mr. Hugh Driscoll:) That he had applied to the Lords of the Admiralty, who sent him an Order, but that the Ship sail'd the Day before it arriv'd; which debarr'd him of justifying himself, they being material Evidences:

A —In Vindication of his causing Sir John to be seized in the Manner he was, he urg'd, That he was a Lunatick, and therefore, he did it to take care of him: That his being taken in the Day-time on board, was plain, there was no secret Design, or that he was to have any Harm come to him: And that even when he parted with him at Mr. Smith's, he behav'd in a very mad Manner, and took no Leave.—That the People on board knew of his coming a Week before he came; therefore, he intimated that he must be very silly to bring a Person to 300 Evidences to commit a vile Act, where nothing can be a Secret above 4 Hours. The Persons Mr. Goodere brought to prove Sir John a Lunatick were two young Women, one of whom believed him to be a Lunatick, or mad, because he would get up in the Middle of the Night, and disturb all the Servants; that sometimes he would busy himself in hanging on the Pot, &c. &c.

C Another Person was called to prove Sir John had made his Will several Months before, &c. And being ask'd concerning the Disposition of Sir John, he reply'd, That he was a good Friend, a loving Neighbour, and a kind Landlord; that he was so far from being a Lunatick, as to be capable to negotiate his own Affairs with his Tenants, &c.

E Another Gentleman was call'd by Mr. Goodere, to his Character; but being ask'd whether he knew Sir John to be any Ways mad, or the like? He declar'd, That he was so far from being a Lunatick, that he had more Sense than all the whole Family. Sir John was also prov'd by Mr. Smith to be in his perfect Senses when he left his House.

The Evidence for the King being clear and full, after a Trial of nine Hours, the Jury brought in their Verdict, Guilty, against the Captain and Mabony, in less than 15 Minutes.

F Charles White was tried the next Day for the said Murder, and for robbing Sir John of 8 Guineas and a Gold Watch, and was found Guilty on both Indictments; and the Day after, they all three receiv'd Sentence of Death.

To this Account of the Trial, we shall add the Examinations of White and Mabony, which were taken soon after the Murder.

The Examination of Charles White, belonging to the Ruby Man of War, taken and acknowledged before the Right Worshipful Henry Combe,

Combe, Esq; Mayor of the City of Bristol,
Jan. 20, 1740.

THIS Examinant voluntarily confesseth, and saith, That he hath been a Sailor on board the said Ship for about 17 Months last past: That about One of the Clock in the Night of Sunday last, the 18th Instant, he was asleep in his Hammock on board the said Ship, and was called out by one *Matthew Mabony*, another Sailor on board the said Ship, who told him, That the Captain (meaning Capt. *Samuel Goodere*, Commander of the said Ship) wanted to speak with him in his Cabin; and accordingly he went to him, and when he came to him, the Captain asked him to sit down, and then gave him a Wine Glass of Rum, and after that four or five more; and asked him, *If he could kill a Spaniard?* And this Examinant answered him, *That he never did*; upon which the Captain told him, he had got a Jobb for him to do, if he would undertake it; and this Examinant asked him, what Jobb it was? And the Captain told him, 'twas *to make away with his Brother*, whose Name (as this Examinant is inform'd) was *Sir John Dinely Goodere*, Bart. who was in the Purser's Cabin on board the said Ship: And the said *Matthew Mabony* told this Examinant, that he must go with him to help do it; whereupon the said Captain went out of the Cabin first, *Mabony* followed him, and this Examinant went next; and when he came to the Purser's Cabin-Door, where *Sir John Dinely* was, the Captain was standing Centinel himself at the Door with a Cutlass in his Hand, and *Mabony* had enter'd the Cabin, and this Examinant enter'd likewise, where *Mabony* was talking with the said *Sir John*, and had a Piece of a Rope, called three Quarter of an Inch Rope, in his Hand, about six Foot in Length; and *Sir John* was lying on the Bed; and particularly *Mabony* ask'd *Sir John*, how his Head was, and what he had got about it? And at last told him, it did not signify talking about it any longer; and then fell on him on the Bed, took hold of his Throat with his Hand (his Stock being on) and so strangled him with his Stock, and afterwards put the said Rope about his Neck (which was prepared for the Purpose, with a Noose in it, before it was brought out of the Captain's Cabin.) And then *Mabony* hawl'd the Rope tight about his Neck. And upon this Examinant asking him, what he did that for? He said, *For fear he should not be dead enough*: And this Examinant took a Knife out of his Pocket and cut it off his Neck, and threw it over-board; during all which Time the Captain stood Centinel at the Door, as aforesaid; and as soon as this Examinant had so cut the Rope off, the Captain handed a Candle to *Mabony*, who gave it to him, and *Mabony* took the Watch and

Money out of *Sir John's* Pockets; and then the Captain asked them, *Have ye done?* Meaning (as this Informant apprehended) murdered the said *Sir John*, and then came in himself; and this Examinant went thro' the Hold, and came upon Deck, where he walk'd for about the Space of Half a Quarter of an Hour, and the Captain and *Mabony* went into the Captain's Cabin together, and then this Examinant went into the Steeridge, and *Mabony* called this Examinant into the Cabin, where the Captain had undress'd himself in order to go to Bed, and there the Captain gave him five Guineas; and this Examinant had receiv'd of the said Captain a six and thirty Shilling Piece of Gold before the said *Sir John* was murdered: And further this Examinant saith, That *Mabony* shew'd the Captain the Watch he had taken out of *Sir John's* Pocket, and the Captain gave *Mabony* his own Watch, and kept *Sir John's* himself; and *Mabony* likewise shew'd the Captain the Money he had taken out of *Sir John's* Pocket, who bid him keep it, and *Mabony* gave it to this Examinant, who put it into his Pocket; and he and *Mabony* shared the Money on the Fore-castle, and this Examinant had two Pieces to one, in Consideration that *Mabony* had the Watch; and this Examinant believes they shared about 30 Pounds between them; and further this Examinant saith, That the said Captain told him and *Mabony*, that they might go any where for three Weeks, and he would send them their Tickets; and lastly, this Examinant saith, That between Four and Five of the Clock the same Morning, the Man of War's Yawl was going to this City, and he and *Mabony* landed at the Gibb here.

CHARLES WHITE.

E The Examination of Matthew Mabony, Jan. 20, 1740.

THIS Examinant confesseth and saith, That about 16 or 17 Days ago, and several Times since, he was desired by Mr. *Goodere*, Captain of the *Ruby* Man of War, now lying in *King-Road* in the County and City of *Bristol*, to seize his, that Captain's Brother, *Sir John Dinely Goodere*, Bart. and bring him on board the said Man of War; and that on Tuesday last this Examinant and the Crew belonging to the Man of War's Barge, and *Edward Mac Daniel* and *John Mac Graree*, and *William Hammond*, Privateer's Men, were placed by the said Captain at the *White-Hart* Ale-house, opposite *St. Augustine's* Church, in order to seize *Sir John Dinely Goodere* that Day; but it so happen'd, the Captain forbid them to do it then; and that on Sunday last this Examinant, the said Barge's Crew, or the greatest Part of them, and *George Best*, Cockstern of the Barge, the said

fold Edward Mac Daniel, John Mac Graree, William Hammond, and one Charles Bryant, Privateer's Men, as aforesaid, were again plac'd at the *White-Hart* aforesaid, to seize the said Sir John Dinely Goodere, and waited there for some Time; and he coming out of Mr. Jarrit Smith's House, and coming under St. Augustine's Church-Yard-Wall, this Examinant and his Comrades pursu'd him, and near the Pump they came up with him, and told him there was a Gentleman wanted to speak with him; and he asking where the Gentleman was? was answer'd, *A little Ways off*, and he went quietly a little Way; but no one appearing, he resist'd and refused to go, whereupon this Examinant and Comrades sometimes forcibly hawl'd and push'd, and at other Times, carry'd over St. Augustine's Butts, Capt. Day's Rope-Walk, and along the Road to the *Hot-Well* (Capt. Goodere being sometimes a little behind, and sometimes amongst the Crowd, all the Way) till they came to the Slip where the Barge lay; but Sir John was very unwilling to go, made the utmost Resistance, and cry'd out *Murder* a great many Times; and when he was put into the Barge, call'd out and desir'd somebody would go to Mr. Jarrit Smith, and tell him of his ill Usage, and that his Name was Sir John Dinely; whereupon the Captain clap'd his Hands on Sir John's Mouth to stop his speaking, and told him, *Not to make such a Noise, he had got him out of the Lion's Mouth*, meaning the Lawyer's Hands, and would take Care he should not spend his Estate, and bid the Barge-men row away, which they did, and in their Passage to the Man of War the two Brothers bicker'd all the Way; but when they came to the Man of War, Sir John went on board as well as he could, and the Captain took him down into the Purser's Cabin, and staid a little While with him, and treated him with a Dram of Rum, and then left him for a considerable Time; and in the Interim sent for this Examinant into his the Captain's Cabin, and there told this Examinant, *He must murder his Brother, for that he was mad, and should not live till Four o'Clock in the Morning*; and this Examinant reasoning with him, and telling him he would not be concerned, and that he thought he had brought him there with Intent only to bring him to Reason, and take Care that he should not spend his Estate in Law, and to have a perfect Reconciliation; but the Captain still insisting that as this Examinant had taken him, he should do it; and this Examinant then saying, *He was not able to do it of himself*, the Captain reply'd, *If this Examinant could get no body else, he and this Examinant must do it themselves*; and then order'd him to call one *Elisba Cole*, and he being too drunk to undertake such an Affair, bid this Examinant call one *Charles White*, a very stout lusty Fellow,

and the Captain gave him a Dram, and bid him sit down, and soon gave him other Drams, and ask'd him *if he could fight?* and told him, *Here's a Madman, and he must be murther'd, and thou shalt have a handsome Reward*; and this Examinant, the said *Charles White*, and the Captain being all agreed to murder the said Sir John Dinely Goodere, the Captain then propos'd the Method, and produced the Piece of Half-Inch Rope of about nine Foot long, and *Charles White* having made a Noose in the Rope, the Captain said, applying himself to this Examinant, and the said *Charles White*, *You must strangle him with this Rope*; and, at the same Time, gave the Handkerchief now produced, that, in case he made a Noise, to stop his Mouth; and said, *I will stand Centinel over the Door whilst you do it*; and accordingly, instantly went out of his own Cabin, and turned the Centinel from the Purser's Cabin Door, and let this Examinant and *Charles White* into the Purser's Cabin, where Sir John Dinely Goodere was lying in his Cloaths on a Bed; the Captain having pull'd to the Door, and standing Centry himself, the said *White* first strangled Sir John with his Hands, and then put the Rope about Sir John's Neck, and hawl'd it tight, and Sir John struggled and endeavour'd to cry out but could not; and this Examinant confesses, That whilst *White* was strangling Sir John, this Examinant took care to keep him on the Bed, and when one End of the Rope was loose, this Examinant drew and held it tight, and thus each bore a Part till Sir John was dead; they having rifled the Deceased of his Watch and Money, knock'd at the Door to be let out, and the Captain call'd out, *Have you done?* They replying, *Yes*; he open'd the Door and ask'd again, *Is he dead?* And being answered in the Affirmative, and having a Light, swore by God he'd be sure he was dead, and then went in himself, and returning lock'd the Door, and put the Key in his Pocket; and they all went together to the Captain's Cabin again, and there this Examinant gave the Captain Sir John's Watch, and the Captain gave this Examinant his own Watch in Lieu of it; and then the Captain gave them both some Money, and *White* afterwards gave this Examinant eight Guineas, as Part of the Money he took out of the Deceased's Pocket; and then the Captain order'd them to be put on Shore in his own Boat; and further this Examinant confesses and saith, That before the Murder was committed, the Captain, *Charles White*, and this Examinant consulted what to do with the Corpse, and the Captain propos'd to keep it two or three Days in the Ship, and as he expected to go to Sea, could sew it up in a Hammoek, or something else, and there throw it overboard; and that before this Examinant, and his Comrades were sent

to seize Sir John, as is before set forth, they were ordered by Capt. Goodere, That if they met with any Resistance, they should repel Force by Force, and were prepared with short heavy Sticks or Bludgeons, for that Purpose.

MATTHEW MAHONY.

Daily Gazetteer, April 10.

MR. Freeman, addressing himself to the Freeholders and other Electors in Great Britain, advises them, in the Choice of their Members, first, to consider who are most likely to regard the War in a National, and not in a Party Light; in the next Place, what Candidates are best acquainted with the Trade and Interest of the Nation, and appear most ready and able to promote them. Thirdly and lastly, (*says he*) consider how far Gentlemen are or are not affected to the present Government; for this you will, in the End, find to be, of all others, the Point of most Importance. Our Constitution is so excellent in itself, and our Welfare depends so strongly thereon, that he who would mount it up to an absolute Monarchy, and he who would sink it to an aristocratic Principality by pruning the Prerogative, would be alike an Enemy to the People. At present we have so little to fear from the Crown, that such as would render us jealous of it are forc'd to affirm, your Danger lies in the Court it pays you. On the other hand, such as affect to treat Monarchy itself most rudely, affirm they are abetted by Numbers, and sometimes talk in a very high Strain. But sure the People will scarce be angry without any Provocation, or suffer the Condescension of the Crown by its Ministers, the genuine Mark because it is the necessary Consequence of our Freedom, to be stigmatized with the odious Name of Corruption. All Disputes about Government, all Alterations, nay, all Attempts to alter the Constitution of a Country, are attended with the worst of Consequences, and we have late Experience of this in other Places, and at home. Such as contend for, if they could bring about, an Alteration, might benefit themselves, perhaps secure something better than Places; but for the Nation in general, they must lose. Wherever Property is, there is Power, we hear often said, and we know it to be true; it is however not less so, that transferring Power by an Act of the Legislature is the readiest Way to transfer Property; and it may be worth your Enquiry, how far this would be done by a Place-Bill.

Craftsman, April 18. N^o 772.

Case of the Lord Danby, in Answer to the Gazetteer,

Mr. D'Anvers,

MOST of the Ministers of arbitrary Power, under the Reigns of the Stu-

arts, have been, at Times, industriously justify'd by the m—— Hirelings; whilst the brave Patriots of those Days have been treated as factious and seditious Incendiaries.—An ingenious Writer of this Tribe has lately oblig'd us with an elaborate Encomium upon the Earl of Danby, Treasurer to Charles II. provok'd it seems to that honest Undertaking by seeing his Impeachment mention'd in *Common Sense*. (See p. 182, 183.)

A He boldly asserts, that the Impeachment of that Earl proceeded solely from the Influence of party Piques and personal Prejudices.—A good round Charge upon the *Russels, Cavendishes, Whartons, &c.* (always honour'd amongst the profess'd Friends to Liberty) who were the chief Prosecutors of that Impeachment. This wicked Calumny is maintain'd, by affirming that the Offer of a secret Pension to King Charles, in Consideration of betraying and sacrificing his Allies, was first made from the Court of France by *Montague*, the Ambassador there; and the good Treasurer, it seems, went into the Negotiation of it, without any ill Design, only to oblige an indulgent Master, who had suddenly rais'd him to a great Title, for the Support of which, he had not yet acquired a sufficient Fortune. This is an Assertion without Proof, and which I shall quickly make appear to be false; but supposing it true, did the Asserter never hear of a Practice prevailing at this Day, to pardon the first Discoverer, on Condition of convicting an Accomplice? Beside, was not the Chief in Power a greater Offender, than his Creature on the Embassy? Had the Treasurer been honest, the Intrigues of the Ambassador could have done no Harm.—But I shall set this Matter in a clear Light, by the following Extract from the Letter produced in the Treasurer's own Hand-writing.—“In case the Conditions of the Peace shall be accepted, the King expects to have six Millions of *Livres* a Year, for 3 Years, from the Time that this Agreement shall be signed betwixt his Majesty and the King of France; because it will probably be two or three Years, before the Parliament will be in the Humour to give him any Supplies, after the making any Peace with France; and the Ambassador here has always agreed to that Sum, but not for so long a Time. If you find the Peace will not be accepted, you are not to mention the Money at all; and all possible Care must be taken to have this whole Negotiation as private as is possible, for fear of giving Offence at home.” At the Bottom of the Letter are these Words.—*This Letter is writ by my Order. C. R.*

G From hence I think it is manifest that this infamous Pension was first projected and agreed to between the Treasurer and the French Ambassador, and that *Montague* received his Instructions from the Treasurer to negotiate the Confirmation of it by the French King.

—The

—Thus is *Montague*, in a great Measure, clear'd, and the whole Weight of that base and treacherous Intrigue falls upon the *Treasurer*, from the Face of his own Letter.

But he had the King's Order for doing so. —I would not advise his *Advocate's Patron*, in the Day of his Distress, to rely upon that Plea; for I believe it will be the Opinion of all the Judges, that the King's Command is no Warrant for a *Minister* to do an illegal Action.

After this plain View of the Grounds of the Proceedings against the Lord *Danby*; can one sufficiently detest that audacious Profligate, who has asserted with the utmost Defiance of all Contradiction, the Innocency of the Criminal, endeavouring to fix the odious Imputation of Spleen, Rage, Faction and unjust Oppression, upon four successive Parliaments, composed of the best and worthiest Gentlemen of the Nation?

He proceeds to draw a Character for the Earl. He says, "The Earl rose gradually in Right of his Merit, and in Consequence of the great Service he had done to the Crown, and to his Country. He had pass'd thro' a great Variety of Employments, before he was advanced to that envied Dignity of Lord High Treasurer of England. That his Skill in the Management of the Revenue was unrival'd; his Integrity unimpeach'd and unsuspected; his Loyalty to the Crown eminent; his Affection to the Church firm; and that his Disgrace was brought about by a Combination of all such as expected private Advantage from public Changes." It is very plain here, that the Panegyrist intends a Parallel with a certain great Man of his Acquaintance, and perhaps there may be more real Likeness between the two Characters than the Flatterer imagines. I will leave your Readers to judge, from a short View of his Rise to Power, and his Behaviour in it, taken on the Authority of *Burnet*, and chiefly in his Words. But I must first remark, that our Sycophant makes him to have pass'd thro' a great Variety of Employments; tho' I can't find him to have been in any other Place, than Treasurer of the Navy, at first, jointly with Sir *Thomas Littleton*, whom he quickly supplanted, and got the whole Place to himself.—But the Reason is obvious why many more Employments than he ever enjoy'd have been bountifully bestow'd upon him.

The Intrigue, by which he was raised to the high Office of Treasurer, is thus related by the Rev. Historian.—"As soon as Lord *Clifford* saw he must lose the *White Staff*, (and that was for setting up a Dispensing Power, which afterwards was the Ruin of *K. James*) he went to the Duke of *Buckingham*, and told him, he brought him the first Notice that he was to lose that Place, to which he had help'd him; and that he would assist him to procure it to some of his Friends. After some Talk, they at last pitch'd on Sir *Thomas*

Osborn, a Gentleman of *Yorkshire*, whose Estate was much sunk. He was a plausible Speaker, but too copious, and could not easily make an End of his Discourse: He had always been among the big Cavaliers; and missing Preferment, he had oppos'd the Court much, and was one of Lord *Clarendon's* bitterest Enemies. He gave himself great Liberties in Discourse, and did not seem to have any Regard to Truth, or so much as to the Appearances of it; and was an implacable Enemy. But he had a peculiar Way to make his Friends depend on him. He was a positive and undertaking Man."

Let us next see the Measures he took to secure his Power. These are expressly declared to have been, by raising his Creatures, and getting all Men turn'd out of their Places, that did not entirely depend on him. He is said likewise to have took a different Method of practising upon the Parliament from those, who were in the Ministry before him. They had taken off the great and leading Men. But Lord *Danby* thought the major Number the surer Game, and reckon'd that he could gain ten ordinary Men cheaper than one of those. The Historian observes, This might have succeeded, if they who led his Party were wise and skilful Men; but he seem'd to be jealous of all such, as if they might gain too much Credit with the King. We may add another Cause of his ill Success in the House of Commons; and that was his Ambition of being Lord Treasurer, which made him incapable of heading his Troops in that House himself. That he was corrupt in his Office we need not wonder, as he came in with an Estate much sunk. *Burnet* gives an Instance of it.—That when the Revenue of *Ireland* was to be farm'd, Lord *Danby* seem'd for some Time to favour one Set of Men, who gave in Proposals; but, on the sudden, he turn'd to another. The Secret of this broke out, that he was to have great Advantages by the second Proposition. We can't expect to read much of his selling of Places, because they were so few that he had other Occasions for them; and the lucrative Traffick of *Change-Alley* was unknown to the Ministers of those Times. The Bishop enlarges also upon an Attempt of this Minister, push'd on with an obstinate Resolution, and which was miraculously defeated, to enact an Oath to be taken by the Members of both Houses, renouncing all Rights and Privileges of Freemen, and giving up our Liberties as effectually as Words could devise; from whence we may judge how much he was influenced by Principle, when he gave into the Revolution, which must have been made impracticable, if that Oath had been established.—Before I have done, I must take Notice of his Misfortune to fall under the Impeachment of the Commons, in the Reign of *K. William*. That, indeed, was for

for a small Fault. It was only for receiving a Bribe of 5000*l*. Beside, he had better Luck in this, than in his former Distress. He could not then recover the fatal Letter; but now he prevail'd with his good Man, Mr. Bates, to go to Goal, and take the whole Bribery upon himself. When I consider'd this secret Transaction of the Earl, and compar'd it with the famous Forage Contract, I found such a Resemblance between the two Cases in every Circumstance, that I did not wonder his Memory was precious to the Gazetteers.

Common Sense, April 18. N^o 219.

Extract from an Epistle (in this Paper) to the Freeholders, concerning their next Choice of MEMBERS of Parliament.

Gentlemen,

AS the Time for chusing new Representatives to serve in Parliament draws near, I could heartily wish it was in my Power, to prevail with you to consider with the Attention so weighty a Matter deserves, of what Importance it is to you, to chuse such Persons as you may have good Reason to believe, will be the real Guardians of your Liberties and Properties.

If a Lawyer offers you his Service, you should consider that all the great Employments in the Law are in the Disposal of the Crown; and can you hope that if the Ministers of it offer him one of great Profit, and which puts him at the Head of his Profession, he will act so honest a Part to his Country, as to forego the great Advantages he may get by pursuing their Measures, even tho' they should tend to the Ruin of his Country? You don't live in an Age when you are to expect such Self-Denial, your only Security is to keep him out of the House.

It may be more strongly urged against Soldiers, that generally their whole present, as well as future Fortune, depends upon the Favour of the Crown; therefore what you are to expect from them, you will easily guess.

All Men in Employments in the Government may be suspected; we know Men generally lean too much to their Interest to be trusted in Cases, where, if they act contrary to the Sentiments, or, to speak more properly, contrary to the Dictates of their Superiors, they must fall under their Displeasure.

How few of you act in this important Matter, with the same Caution that you do on all Occasions in your private Affairs? Who is so unwary as to trust Matters of Consequence to a Man whose Character he is a Stranger to, and who may find great Interest in deceiving him?

Some of you are so unhappy as to be misled by some present Advantage, and may be

truly said, like *Esau*, to sell your Birth-Rights for a Mess of Potage; a small present Gratification often makes you insensible of the Miseries you will inevitably bring upon yourselves, by a Choice of bad Members. If a Person offers you a Bribe for your Vote, should not that immediately raise your Jealousy of his bad Designs? Such a Proceeding would open your Eyes on all other Occasions. If any of you was hiring a Servant, and Members of Parliament are but your Servants, if such Servant, instead of desiring Wages for his Trouble, offered you Money to come into your Services, would you not very justly suspect he proposed some private Way to repay himself at your Cost? This you will find generally the Case of all those who bribe to come into Parliament. Would you put your Interest into safe Hands, look out for Gentlemen of honest Characters, and of large and clear Estates; such are to be found in all Counties, and few Corporations but have some such within their Knowledge, if they were honest enough to apply to them, or wise enough not to hinder their offering their Services by the vast Expences they put them to at Elections.—I must address myself here to the Gentlemen in easy, affluent Circumstances, to desire them to consider the Risk they run of losing the valuable Blessings they possess, by suffering Men of no Fortunes, or of shatter'd ones, to get into Parliament; such Men we know can propose nothing by it but mending their Circumstances, and it is pretty manifest that can be only done at the Expence of the Men of Fortune.

You should therefore look upon the Expence of an Election, as you do upon paying Taxes; a necessary Out-going to preserve the valuable Blessings you enjoy. A late Example will, I believe, convince you, that if ever a Parliament is a Terror to a Minister, it must be an independent one, and there is no Chance for that, but by the having Men of large and clear Fortunes in the House.

Oratio funebri Celeberrimi Burnetti in hunc Orbem extremo incendio aestuantem, Latine redidit. Vide Vol. 2. Sac. Theor. Tell. p. 159.

Tantummodò (& ne graveris) hoc argumentum ad umbilicum perducendi gratiâ, hanc anam arripimus animos advortendi in vanitatem & gloriam hujus mundi omniumque habitantium, pede heu! quam correpto fugientem. Vides quam unum Elementum totis suis viribus instructum, in cætera impetum faciendo, omnia, quæ variè depinxit natura, omnia, quæ arte fabricata est, totos labores, ob quos se discruciant homines, in nihilum redegit. Omnia, quorum majestas & magnificentia nos admiratione antea perculebant, quibusque adorandis non temperavimus, expunguntur, percutunt. Et diversa forma & rerum

rerum adfectus, complanatus, nullâ asperitate obductus, eandem frontem quaquaversum præ se ferens, toti terrarum orbi insidet. Ubinam nunc superbiunt celeberrima globi Imperia, ubinam splendent eorum Urbes latè dominantes? Ubinam Columnæ, Trophæa & gloriæ Monumenta? Quò fulgentia steterunt, mihi, fodes, indigita, Marmor rebus heroum gestis incisum legito, age, dic mihi nomen victoris. In hac ingenti ruinâ flammarum quæ reliquæ, quæ vestigia, quæ differentia, quod discrimen conspectari possunt? Roma ipsa, ipsa Roma æterna, illa civitas perillustis, mundi imperatrix, cujus sceptrum & religio, cum vetusta, tum hodierna, historiam rerum in hac terrâ gestarum magnoperè adaugent, quonam nunc itinerata est? Fundamina altius posuit, & ipsius palatia steterunt multo suffulta robore, plurimis nitentia deliciis; se ipsam glorificavit & prædulcem protraxit vitam, & in suo corde dixit, Hic sedeo regina, dolorem nunquam visura; sed tempus abundi adest, ipsa, inquam, è theatro fugata est, radicibus evulsa & inhumata, nullo in posterum memoranda nomine. Verumenimverò non tantum civitates & quicquid elaboravit ars humana, sed sempiterni colles, montes & scopuli orbis terrarum adinstar ceræ coram sole æstuantis colliquefunt, & sedes eorum nullibi inveniri potest. Hic intumuerunt Alpes, agger saxorum immani ordine protensus, vasto suo pondere terram coonerantes, plurimas superobruentes regiones, eorum brachiis ab oceano ad Nigrum Mare exportectis. Hæc immanis scopulorum moles emollita & colliquefacta est instar teneræ in imbrum nebulae. Hic prominuerunt Africani montes cum Atlante ad cacumen supra nubes erecto: Ibi gelu constrictus Caucasus, et Taurus, & Imaus, & rupes Asiaticæ: Et è longinquo septentrionem versus excurrerunt Rippæa juga, glaciæ oblecta, nive albescentia. Hi omnes, instar nivis suis verticibus insidentis, elapsi sunt, in fumum abiere, & in rubente incendiorum oceano absorpti. Magna & miranda sunt opera tua, O Domine Deus omnipotens, justæ & veræ sunt viæ tuæ, O Rex sanctorum. Halleluia. Amen.

Craftsman, April 25. N° 773.

How bad Ministers secure themselves, and whether common Fame be not a sufficient Ground for an Accusation against them.

Sir,

IF bad Ministers too rarely meet the Fate they deserve, and this Indulgence does not arise from the good Disposition of the People towards them, there is evidently a Defect in our Laws, and in the Execution of Justice, owing, I presume, to the Practices of Ministers, who, for some Centuries past, have been, with great Industry, prevailing upon the Legislature, to load the People with penal Laws,

and have been as artfully preventing any Laws, that might tend to bring themselves to Justice.

We may see Instances, in the *State Trials*, where Persons, by the Artifice of *Ministers*, have suffer'd upon circumstantial Evidence, which, when afterwards offer'd against themselves, tho' back'd by stronger Circumstances, and a much milder Punishment proposed, have been treated as unprecedented Outrages. Nay! *Ministers* have defended themselves against those very Arguments, which, to make their own Way to Greatness, they formerly used against others. A remarkable Instance of this may be seen in Lord *Strafford's* Proceedings against the Duke of *Buckingham*.

“Afterwards (says *Rushworth*, Vol. I. p. 217.) the Commons fell upon the Duke, as the chief Cause of all publick Miscarriages. Dr. *Turner*, a Physician, propounded in the House these Questions, which were then commonly call'd *Queries*, against the Duke of *Buckingham*, and were grounded upon publick Fame.

1. Whether the Duke, being Admiral, be not the Cause of the Loss of the King's Royalty in the narrow Seas?

2. Whether the unreasonable, exorbitant and immense Gifts of Money, and Lands bestow'd on the Duke and his Kindred, be not the Cause of the impairing the King's Revenue, and impoverishing the Crown?

3. Whether the Multiplicity of Offices bestow'd on the Duke, and others depending on him, (whereof they were not capable) be not the Cause of the evil Government of this Kingdom?

4. Whether Rescuants in general, by a Kind of Connivance, be not borne out, and increased by reason of the Duke's Mother and Father-in-Law being known *Papists*?

5. Whether the Sale of Honour, Offices, and Places of Judicature, and ecclesiastical Livings and Promotions, a Scandal and Hurt to the Kingdom, be not thro' the Duke?

6. Whether the Duke's staying at home, being Admiral and General in the Fleet of the Sea and Land Army, were not the Cause of the bad Success and Overthrow of that Action? And whether he did give good Directions for that Design? All these are famed to be so.

Whereupon two Questions were moved:

1. Whether the six Heads, deliver'd by Dr. *Turner*, to be the Cause of the Evils that were grounded upon common Fame, be to be debated in Parliament?

2. Whether an Accusation upon common Fame, by a Member of this House, be a Parliamentary Way?

It was declared by Sir *Thomas Wentworth*, Mr. *Noy*, and other Lawyers in the Debate, that there was a Difference between common Fame and Rumour. For the general Voice

(Vox

(*Vox Populi*) is common Fame; and if common Fame might not be admitted as an Accuser, great Men would be the only safe Men; for no private Person dare adventure to enquire into their Actions. But the House of Commons is a House of Information, and Presentment, but not a House of definitive Judgment.

So the House came to this Resolution, That common Fame is a good Ground of Proceeding for this House, either by Enquiry, or presenting the Complaint (if the House finds Cause) to the King, or Lords."

How different from this Way of thinking Lord Strafford's Behaviour was, when he himself became the Object of popular Hatred, need not be here noted. Nor is it of any Consequence to the present Argument, whether he was guilty of High Treason, according to the strict Letter of any known Law, since it is notorious, that the Laws were not so much stretch'd against him, as he, when in Power, had stretch'd them against others.

Many of these political Juglers, have escaped upon this Maxim, That it is better a Rogue should go unpunish'd, than to make an Example of Proceedings, not strictly conformable to the usual Methods. But People do not consider, that wicked Ministers never stick, when they want to punish, either by Form, or Pretence of Law; and the greater the Severity with which the Trial is prosecuted, the more Terror and greater Power is added to their Administration: Thus have they a double Advantage; a present Revenge and a future Strength; so unequal is the Combat between Ministers and the People.

Upon Enquiry, we shall find that the Truth of this Argument lies on the other Side of the Question, and that the Trials of private Persons ought to be carry'd on strictly to the common Forms; for it can seldom happen, that private Persons can do any eminent Diservice to the State. But the Intrigues of a wicked Minister may extend against Monarchy itself, or against the Liberty of the People, or any other fundamental Part of the Constitution. In this Case, *Salus Populi est suprema Lex*; and where the Issue of the Trial is the Good of the People, the Minister offending against this fundamental Principle of all free Governments, tho' his Crimes may not be proved in a legal Manner, the Punishment cannot be too severe.

Another strong Entrenchment, behind which bad Ministers secure themselves, whilst they remain in Power, is a Deficiency of Proof. I shall never wonder to hear a wicked Minister make such a Defence; but it will be very surprizing to have such a Plea pass upon wise, and honest Men for a reasonable Defence.—Why did not an Hon. Gentleman, after many Motions on one Side and Refusals on the other, consent to a secret Committee to enquire into the State of the Nation, with regard to

the Increase or Decrease of Trade;—the Management of the publick Money;—whether Liberty is preserved inviolate, not only from present open Attacks, but from clandestine Practices, that may hereafter prove destructive to it;—whether the Conduct of foreign Affairs have been rightly conducted;—whether proper Alliances have been enter'd into and honourably observed; if these Points appear upon the advantageous Side of the Nation?—The Minister must and will be commended, if ambitious, ill-minded Men, from a rancorous Spirit of Opposition, will exhibit unjust Complaints. Ministers, acting under this Security, will as readily concur in promoting any Enquiry into their Actions, as their Enemies will be to exhibit them; and such Enquiries will end to their Honour, and to the Shame and Confusion of those, who have reviled them. In this Case, any Sort of Complaint ought to be supported with positive Proof; for the happy State of the Nation will make the Presumption in Favour of the Administration.

But if the Face of publick Affairs should carry a contrary Aspect;—if the Trade of the Nation should seem to be declining, and the most valuable Manufactures daily decreasing;—if the just Management of the publick Money is doubtful, and the national Expence appears to be greater than the Exigencies of Affairs required;—if pernicious Practices were generally supposed to be carry'd on, that must at last end in the Destruction of Liberty, if not in the immediate Subversion of it;—if Corruption in the most fundamental Parts of the Constitution, has been openly justify'd by Sycophants, and Creatures, who had constant Access to the Minister, and were notoriously supported by him;—if our most natural, and antient Allies, should be neglected, misrepresented, and forsaken in Time of Distress;—or if we should advance the Credit and Power of those Powers, whose Interest has been always deem'd diametrically opposite to ours;—I say, when the Appearance of publick Affairs shall carry such melancholy Aspects, it must always justify an Enquiry into the true Reasons of them. We are not to be cheated out of our Senses by Consequences only, tho' they may lead to farther Information. The Presumption therefore will be against him, and the *Onus Probandi* ought to lie upon him. The State of the Case ought not to be, *prove me guilty*—But—Do you *prove yourself innocent*.

If what I have said, back'd with the Opinion of Sir Thomas Wentworth, afterwards Lord Strafford, and Mr. Attorney General Noy, with the Resolution of that House of Commons, be not sufficient to shew that Ministers may be justly question'd, or set aside, from common Fame, or Natoriety of Facts, I humbly submit to you, whether it may not be advisable to restore the ancient Saxon Law of

Fire-Ordeal, solely to be apply'd to the Justification of Ministers; for I apprehend that it will be less hazardous to the Nation, annually to venture scorching the Feet of a Minister by causing him to parade over burning-hot Plow Shares, than to depend upon convicting him, during his Plenitude of Power, by positive Proofs of particular Facts.

Common Sense, April 25. N^o 220.

To the ELECTORS of Great Britain.

THE Time is now approaching, when the present excellent P—— must render up its Spirit. To bestow Encomiums upon it, for the Honour and Fidelity with which it hath discharg'd its Duty to the People, is altogether unnecessary; that appears by the prosperous Condition to which they have rais'd the Nation during their 7 Years Trust: It appears by their having been so sparing of the publick Purse, by the strict and fair Account they have obliged the Ministers to give of all the Money granted, by the many excellent Laws they have made for the Preservation of Liberty, by the Care they have taken to hinder Corruption from entering into their own Body, by every Vote, and every Resolution they have made, and by the high Veneration the Nation pays to every Thing they have enacted.

But still this P—— is not immortal, another must succeed; and what that other will be, ought to give us some Concern.— When one considers what a Pack of low scandalous Fellows have been sent about the Country to bribe the poor Electors and returning Officers, many of whom want a Seat as a Protection against their just Creditors, and who must be furnish'd for this villainous Expedition from some other Pocket besides their own: If one can believe the Stories from several Boroughs, concerning the Disposal of the military Commissions in the late Augmentation of the Army; if the Accounts we have receiv'd be true, of the impious Practices of several Ecclesiasticks, who seem to have renounced *Jesur Christ* to worship the Corruptor;—if all these Facts are notorious, we may conclude that a certain Faction is now come to a Resolution to give the Nation the *Coupe de Grace*.

It is to be hop'd, however, that if a fair and honest Representative be return'd, the Nation may recover Strength and Spirit again; the publick Money will be laid out for the publick Use; he that is convicted of one Fraud, will never be guilty of a second; he that dishonours and injures the Nation by one infamous Convention, will never be allow'd to make another; and if any Fellow, made drunk with Power, should pretend to play the Grand Visier in this Country, he will

soon suffer the Rewards of his Insolence and Folly.

In the Reign of K. Charles II. the greatest Apprehension of the People was, lest the Crown should obtain so large a Civil List, as to enable them to lay aside Parliaments. This was bad enough; but there is a much worse Situation even than this, which is a pack'd or mercenary Parliament, or, to describe the Height of Servitude, a Parliament of Placemen.

Universal Spectator, N^o 654.

The POWER of MUSICK.

THE Greeks tell us, that *Orpheus* and *Ambion* drew the wild Beasts after them, made the Trees and Stones dance to the Tune of their Harpe, and brought them together in such a Manner, as to form a regular Wall, and inclose a great City; which Story, according to the general Interpretation, signifies, that they subdued the savage Dispositions of a barbarous People, who liv'd in Caves in the Woods and Desarts; and by representing to them, in their Songs, the Advantages of Society, persuaded them to build Cities, and form a Community. It is certain that there is no Temper so fierce and brutish, but what Musick, if properly apply'd, can civilize and soften: It is wonderfully adapted to suppress our turbulent Passions, and appease the Tumults and Disorders of the Mind.— In several Kinds of Madness, this is the only effectual Remedy.

But Man is not only sensible of its Prevalence; even Beasts themselves are said to be affected with it, and to lose their Fierceness at the Hearing. Ancient Writers tell us of Musicians, who, by their Art, could tame the most furious Wolves and Tygers. I have been credibly inform'd, that the most venomous Rattle Snake will be so overcome and intoxicated, as it were, by soft Musick, as to stretch itself out at full Length upon the Ground, and continue, in all Appearance, without Life or Motion.

There are other Sounds which are apt to inflame, and inspire Courage in the most fearful Dispositions. An old Officer of my Acquaintance, has often told me, that he was naturally timorous, but when the Drums beat and Trumpets sounded, it so rais'd his Spirits, that he even ardently wish'd to be engag'd with the Enemy. *Timotheus* could move *Alexander's* Passions as he pleas'd, and drive him into the greatest Fury; but upon the Alteration of a Note could moderate it, and bring him to himself again. Mr. *Dryden's* Ode upon that Subject, I look upon to be the finest that ever was written in any Language, and Mr. *Handel's* Composition has done Justice to the Poetry. (See this Ode in our MAG. for Feb. 1736, p. 95.)

Ut Pictura Poësis erit. HOR.

A PAINTER, POET, and his FRIEND.
A FABLE.

A POET of no common vein
Employ'd in *Cbloe's* praise his pen;
With rival art, a painter strove
To pre-engage the fair to love.
By equal turns, each anxious breast
Now hopes reviv'd, now fears oppress.

The painter with a warm design,
First drew her picture; all divine!
He snatch'd a charm from ev'ry fair,
Chora's port, *Belinda's* air;
Here *Lydy's* melting smile we spy;
Here the soft languish of her eye:
A thousand other charms he stole,
Which join'd in one, compleat the whole:
For well he knew, a thing so vain
Wou'd spurn the truth with proud disdain.

He flies, and bending to the ground,
The piece presents with bow profound.

She takes it with a gracious smile,
Her self admiring, and his skill;
But then, unable to controul
The rising transports of her soul,
Quick she retires; and when alone,
Thus to herself the fair begun:

One mirror must belye this face;
My glass speaks no superior grace;
But grant the youth hath made me shine
In ornaments not strictly mine;
Yet this, at last, must be confess,
'Tis *Cbloe's* picture in his breast.

The bard, all compliments aside,
Strict truth and reason for his guide,
Attempts the next to sound her praise,
With modest, yet with nervous lays.
No goddess here the fair is seen,
Nay, scarce (save to himself) a queen:
No wild hyperbole's are sought
(Those far-strain'd tortures of a thought!)
No foreign charms, no borrow'd grace;
He paints her such as *Cbloe* was.

She views, she reads, and slung with rage,
To flames condemns the guilty page.

He saw, and pin'd with silent grief,
When thus a friend propos'd relief:

Excuse my freedom, while I show
To what your late repulse you owe;
'Tis to yourself, untaught to lye,
And sooth the sex's vanity:
If then you seek to mend the matter,
Why, like the painter, learn to flatter.

On a young LADY's Singing.

ORPHEUS with musick charm'd each
lonely grove, [move,
Gave ears to rocks, and taught e'en trees to
So finely touch'd his lyre, the savage throng
Of tigers soft'n'd, list'ning to his song.
Each trembling string so loudly spoke his praise,
The Muses crown'd him with immortal bays.
This, tho' pretended fiction, yet seems true,
Since all these charms of sound proceed from you.

Art was his friend, more perfect nature yours;
His *viol* charm'd, but 'tis your voice allures;
He to some foreign pow'r his musick owes,
Yours from your *own* more delicately flows:
No wonder then if his could move a tree,
Diviner yours, attracts unworthy me.

'Twas this, thy heav'nly voice, thou sat
on earth,

First in my barren breast gave love its birth;
Th' enchanting notes, that hasten'd to my
heart,

From thy sweet lips, bore each its pointed dart;
Yet wound not fatal; there's a certain *salve*,
Yourself can cure the wounds you only gave.

The vanquisht Muses now their fate de-
plore,

And *envy* feel, which they ne'er felt before:

Go, rival then the sister-choir above,
Thou form of beauty, and thou voice of love;
Whose charms of body and of mind outshine
The great perfection of the sacred nine,
And stile thee here in either part divine.

Phœbus and *Venus* constitute your frame,
There in conjunction ever reign the same;
Proud with their presents, to compleat the
whole,

One gives a body, th' other adds a soul.

PROPERTIUS, BOOK III. ELEGY 16.
Imitated by a Gentleman of Oxford.

THE moon had touch'd, with tremulous
The pale meridian of the night; [light,
Before my charmer's letter came,
And bad me meet the beauteous dame,
To grateful *Tibur* wing my speed,
Where turrets lift their silver head;
Where to the lake's argenteous brim
Fair *Aniene* rolls her stream.

Alas! what cares my soul oppress,
What torments rack'd my troubled breast!
Shall I at midnight hours obey,
And brave the dangers of the way?
Or else atone for coward fears,
With heaviest sighs, and floods of tears?

I find but once—the cruel fair,
Deny'd her favour for a year:
Alas! too great the must I prove,
A year is, sure, an age in love.
Hence soul distrust—no heart can be
An enemy to love, and me.
Secure through ev'ry storm I'll go,
Through barb'rous realms, and *Scythian* snow;
Officious stars shall guide my way,
And *Cynthia* with propitious ray;
No savage beast shall dare devour me,
But *Hymen* light his torch before me.

Yet say, should brute so base appear,
To wage with love an impious war;
Not fate itself were worth a thought,
Nor were it thus too dearly bought.
The *Graces* mild, with many a wreath,
Should deck my tomb, and praise my death;
Fair *Venus* once again should mourn,
Applaud my faith, and guard mine urn.

But,

But, O ye gods for ever blest!
May no vile step disturb my rest;
No miscreant near this temple rove,
Sacred alone to me, and love!
Let baleful cypress round me grow,
And streams from sandy hillocks flow;
Remov'd from noise and vulgar eye,
And not a stone tell where I lie.

To a FRIEND.

Whether, my friend, sweet anxious love
Your tender bosom warms,
While by a murmur'ing rivlet's side
You clasp kind *Celia's* charms;
Or disengag'd in a calm grove
You bid adieu to care,
While philosophic ease takes place
Of all th' enchanting fair;
Or else the fav'ring *Muse* invites
To solitary shade,
While to your ravish'd soul bright scenes
Of fancy are display'd:
Ah! may you happy, happy prove,
Whate'er your time employ;
May earth perpetuate the feast,
And heav'n encrease the joy.

JOSHUA DINSDALE.

In *Ascensionem Christi*.

MUSA, mihi memora splendentem lumine
puro,
Et decore ac radiis superantem sydera cœli,
Magnam progeniem mundum moderantis Iesum.
En! lux alma suum properat fulgore micanti
Convestire Deum: scintillat gloria vultu;
Induit ac nitidum rutilo pro tegmine lumen.
Horrescunt socii visu, sacroque pavore,
Ætherio latè mons sub splendore coruscat;
Ac divi veniunt de claro culmine cœli,
Ut verbis pulchris, atque ore fruantur Iesu.
Quid mirum, dulcis cœlum præsentia Christi
Si referat, semper quando illi pura voluptas
Et pax, ac læto famulantur gaudia vultu?
Exclamant socii, cur non tentoria surgunt,
Et, Domine! hic totum tecum consumimus
ævum?
Prætereunt celeri mortalia gaudia cursu,
Deserit et mœstos Christi splendentis imago.
O felix! toto qui querit pectore cœlum,
Qui Numen colit, atque Deo suspirat in uno!

On the HAPPINESS of a SHEPHERD.
By a YOUTH.

I'LL sing the praises of a shepherd's life,
That's free from trouble, fraud and anxious
strife;
No life can with the rural life compare,
Compas'd with solitude, but void of care;
Of all the business possible to name,
None has th' advantage, tho' of louder fame;
For in the rosy morning on his bed
The shepherd raises from soft sleep, his head,
When the pure pleasures of the day begin,
That spring from health, uncall'd by guilt and
sin;

They, when the orient rays of *Phœbus* shine,
Commence, nor with the setting orb decline;
But endless raptures in succession roll,
And fill with constant joys his harmless fool.
See! the sweet lambkins in the morning play,
And nature smiles at the approach of day;
The birds on ev'ry bough in concert sing,
And welcome, with their melody, the spring;
The soaring lark makes heav'n resound his
lays,

And seems to modulate his Maker's praise.
By wholesome labour sweetned, noon returns,
While with intenser heat bright *Phœbus* burns.
Who can enjoy like him what nature yields
Of unmix'd pleasure? woods, and op'ning
fields,

With purling streams to harmless joys invite,
And innocence improves the soft delight.
Sometimes he walks o'er meadows crown'd
with flow'rs,

Sometimes he passes in sweet shade his hours,
While daisies, cowslips wide adorn the ground,
And vi'lets spread their fragrant odours round;
In emulation heav'n and earth conspire
To gratify his soul in each desire.

'Twas from these joys a *David* God did bring,
And to reward him, made him *Israel's* king.
This is the life from inconvenience free,
It pleas'd a *Virgil*, and it pleases me.

A HYMN to the MOON.

HAIL, soft resplendent majesty of night,
Fair argent radiance of reflected light;
Tir'd with refulgence of his mounted ray,
The day's dread monarch leaves his golden sway,
Flies to regale his beams in those fair fields,
Where steamy spice a richer nectar yields;
Yet, e'er he sinks to bathe him in the main,
Names thee, bright regent of his vast domain.
Thy side his arrows deck, thy hand his bow,
And all his glories grace thy gentler brow.
Rob'd with a fleecy cloud, you mount the
throne,

Proud of the silver skirtings it has on.
While you adorn the crystal court in state,
Attendant stars all gemm'd with sapphire wait;
But if disrob'd you range th' æthereal plain,
Still are you circled by the virgin train;
Dance to the musick of the rolling spheres,
All humbly veiling where their queen appears.

Thou reign'st co-regent in the realm of
love,

Thy light averted forms its shadowy grove;
The soft reflections of thy sportive beams,
Are the meanders of its silver streams;
Here *Venus* bathes her, there, devoid of care,
Unlocks her beauties to the god of war.

Wild staring phrenzy, to thy fuller blaze,
The monthly tribute of her tresses pays.

The ghosts that monumental marble love,
And the dark caverns of their stony grove,
That shrink affrighted from the solar ray,
Enjoy the noon-tide of thy milder day,

D d 2

Join

Join the thin shadows of the fairy train,
And trip the circles of th' enamell'd plain.
Neptune per force his world with thee divides,
Puisant empress of the reflux tides;
When e'er thy orb in triumph marches round,
Long ranks of waves, in fluid fetters bound,
With joy forsake old ocean's wild commands,
To trace thy foot-steps thro' dissever'd lands:
Pleas'd with the soft captivity they lead,
They climb the channel and o'erflow the mead.

EPITHALAMIUM: TO BELINDA.

WHILE crowds of visitants your levee
throng,
And beg of heav'n its blessings to prolong;
Permit the Muse your happiness to greet,
And lay her humbler tribute at your feet.
Assist, ye sacred nine, with equal fire, [lyre;
And thou, oh! *Phebus*, string th' harmonious
No common theme your myst'ries shall
employ,
I sing *Belinda's* and *Ecclino's* joy,
Darlings of *Venus* and her favourite boy.
The tardigraded months at length give place,
That held with expedition equal pace,
No more *Belinda's* brows are clouded seen,
That heav'n appears all charming and serene:
Th' exulting swain *Belinda's* hand receives,
Nor wishes greater joys than those she gives.
Now, *Hymen*, deck with flowers thy sacred
shrine,
Let lambent fires on all thy altars shine,
Thy flames all appear array'd in white,
Emblems of innocence and chaste delight.
The nuptial sheets do thou, *Lucina*, spread,
And crown the raptures of the genial bed.
May heav'n adorn't with many a smiling care,
Virtuous as both, and as their mother fair.
Dare not, oh Muse, *Britannia's* grief display,
Or let a sigh disturb the happy day,
Whilst all *Hybernia's* shore with triumph rings
For the bright prize which glad *Ecclino* brings.
Bear her, ye seas, upon your gentle breast,
And bid your swelling surges be at rest;
Breathe forth, ye winds, none but the softest
gales,
Nor ruffle with your ruder blasts her sails.
Ye winds and seas so rich a freight ne'er bore,
Not even when ye blew from *Celtis'* widow'd
shore.

To the AUTHOR of the LONDON
MAGAZINE.

SIR,

AS the following Poem was done Extempore by a blind Boy here of eighteen Years of Age, who lost his Sight by the Small-Pox, when five Weeks old, I hope it will not be disagreeable to your Readers.

Dumfries, March

18, 1741.

I am, Sir,

Your humble Servant,

A PASTORAL on the Death of CÆLIA.

WITH radiant beams the baneful morning
rose,
Th' unhappy morning, that produc'd my woes!

All nature's face unwonted smiles put on,
And I, poor wretch! condemn'd to mourn alone:

Cælia, the beauteous conqueror of the plain,
Envy'd by nymphs, ador'd by ev'ry swain,
With her soft presence crown'd the glorious
train.

Long I the charmer's darling fetters wore,
With equal ardour, me she did adore!
Our souls were one, till heav'n forbade the joy,
And at one stroke did all our bliss destroy!
Clasp'd arm in arm, we oft travers'd the plain,
And talk'd of love, its pleasure and its pain;
With transport oft her glowing lips I kiss'd,
Squeez'd her soft hand, her panting bosom
press'd;

But cruel fate our future joys deny'd,
In my embrace the charming *Cælia* dy'd.
O may the planets with malignant power,
Shed all their fatal influence on that hour;
O'er nature's face let woe and darkness reign,
And nothing echo thro' the mournful plain,
But groans that flow from agonizing pain:
From their dire cells let dreadful spectres rise,
Storms shake the earth, and thunders bend the
skies;

Let furious daemons rove the dreary gloom,
And injur'd ghosts complain from ev'ry tomb;
Let time stand still, the spheres forbear to roll,
And the creation shake from pole to pole!
Ah *Cælia*! fairest of the fairest kind,
Soul of my bliss, and darling of my mind!
In whom true virtue in its glory shone,
Admir'd by all, but equaliz'd by none!
To what far distant regions art thou fled?
And where those pleasures, that diffusive spread,
Like balmy showers, and gladden'd all the plain,
While you, my *Cælia*, grac'd the smiling train?
Say! dost thou in some mournful grotto stray,
And weep for me the cheerless hours away?
Or does some happy rival shade now prove
The joys once mine, and rob me of my love?
Alas! those eyes more killing to the view
Than the bright sapphire deck'd in radiant blue,
In woeful night their absent splendors hide;
Those cheeks which once the blushing morn
outv'y'd,

Alas! no more with youthful roses glow,
Cold to the touch, and white as virgin snow.
Ye well-known plains, where oft we lonely
stray'd,

Ye purling streams, and thou, O sacred shade,
Both conscious of my pleasure, and my pain,
Witness my grief, nor smile while I complain,
To my dear *Cælia*, to my joys, and you,
Ah! killing word! I bid a last adieu.

Lately wrote on a Bench in the new Walk, on
Blackheath.

SPRING-WALK.

SACRED to harmony and love,
To health and lively talk,
Indulgent powers from above,
Have here ordain'd Spring-Walk.

Th

The *love-sick* swain may bere repair,
When spies his sonnets balk;
His verse must captivate the fair,
If fashion'd in *Spring-Walk*.

The languid nymph, with lifeless tread,
And meager face of chalk;
Her cheek will glow with rosy red,
If she frequents *Spring-Walk*.

Unguarded fair ones! don't admit
The empty coxcomb's stalk;
His nauseous air, and frothy wit
Will quite infect *Spring-Walk*.

Haste, *Sylvia*, pride of human race!
Where chant the feather'd folk;
Adorn it with celestial grace,
And eternize *Spring-Walk*. ALEXIS.

MONTAGUE-WALK: To the Author of
SPRING-WALK.

RASH poet! forbear your fond jingling lays,
Of your talk, and your walk, and your
Sylvia's praise: [ing place,

Pert imp! take the nymph from this hallow-
Or expect ev'ry creature to fly in your face.

Nor *Sylvia*, nor thou have pretensions to name,
What alone is becoming the trumpet of fame;
Tho' *Sylvia* (perhaps) might invite thee to sing,
Know, 'tis *Montague*, Sir! that enlivens the
spring. [green

'Tis *Montague's* smiles that make all the fields
Where'er she appears, there's eternal spring seen;
Wherever she treads, daisies dance round her
feet; [retreat.

And where she frequents, there's the Muses
This—*Montague* form'd from a chaos of clay;
Her power protects it from ills and decay;
What blooming name then can more suitable
prove

Than *Montague-Walk*? out of duty and love.
Mount then, my brisk muse! on the swift
wings of fame, [ber name:

And charm all the nymphs with the sound of
Tell *Montague-Walk* to the hills all around,
And let echo repeat it, and die in the sound.

Let the black-bird and linnet, the finch and
the thrush, [bush:

Chant *Montague-Walk* from each thicket and
Let the lark bear the name to the blissful a-
bodes, [gods,

And let *Montague-Walk* be the theme of the
CENSOR.

The following Lines were written on Occasion of the
Death of Sir Thomas Parkyns, whose Statue
was placed on a Monument in a Wrestling Po-
sure with Time. (See Deaths in this Month.)

QUEM modo stravisti longo in certamine,
Tempus,
Hic recubat Britonum clarus in orbe pugil.
Jam primum stratus, præter te vicerat omnes;
De te etiam victor, quando resurgit, erit.

Thus Translated.

HERE, thrown by Time, old Parkyn's laid;
The first fair fall he ever had:

Nor Time, without the aid of Death,
Could e'er have put him out of breath:
All else he threw, and will thole twain,
As soon as he gets up again.

The C——T C——TE and the COBLER.
A true TALE.

WHILE *Bribe-well* ev'ry art with *Jobson*
us'd,
And the rough cobbler still the gold refus'd,
He cry'd,—' Not seven guineas for your voice!
' Why these wou'd make you *sev'n long years*
' rejoice:

' That you refuse them pray the reason tell?' }
To whom the cobbler:—' If myself I sell, }
' And for your gold must send my soul to h—ll, }
' I'll calculate my worth to th' utmost far- }
thing, [th' bargain: }
' And therefore how much you're to get by }
' I'll set my price, sir, when that you'll be }
' plain, }
' And tell what you're to sell me for again.'

An EPIGRAM.

SIR *Courtly Plume*, a borough town to buy,
SA hundred guineas gives his new friend *Sly*:
Sly gives his promise; but upon the day
Carries the poll a quite contrary way:
The poll when over, raging, cries the knight,
You are, *John Sly*, a—corporation bite.
—Cries *Sly*,—we still in politicks are near:
At London you'd bite us,—we've bit you here.

On the Return of the French Fleets.

FRANCE sent in haste her fleets to succour
Spain; [again.
They went—they saw—and they—return'd
This Fl—ry heard; yet, unconcern'd, he cry'd:
' Tho' *Vernon's* arms may humble *Spanish* pride,
' Again tho' *Britain's* thunder may be hurl'd,
' And she rule mistress of the western world:
' What then?—all this, such is my secret joy,
' With my old friend one t—y shall destroy.

To the antiquated Almeria, shewing her Picture
that was drawn when she was but sixteen.

IN vain, *Almeria*, do you this way strive
To make your blooming, youthful fea-
tures live.

In vain that picture, with a silent tongue,
Bids us behold *Almeria's* charms when young.
Alas! when time its wrinkles does impart,
All the nice touches of the limner's art,
Only a short precarious pity move,
But kindle not the glowing flames of love.
So when we some desflower'd garden view,
Where roses blush'd and snowy lilies grew;
Soon as the furrows of the cruel shear
Indented on its surface does appear,
Tho' we are told this was a lily bed,
We on the place irreverently tread.

THE

THE Monthly Chronologer.



ABOUT the Beginning of the Month we had an Account, that two homeward-bound *Turky Ships* had been taken by a *Spanish Privateer* of 36 Guns and 400 Men, off of *Scilly*; and that one of them was retaken by the *Colchester Man* of War.

WEDNESDAY, April 8.

His Grace the Duke of *Newcastle* received Letters from Vice-Admiral *Vernon*, dated at *Port Royal* in *Jamaica*, Jan. 12. giving an Account, that on the 9th Sir *Chaloner Ogle* arrived in *Port Royal Harbour*, with the Squadron under his Command, and all the Transports and Store-Ships.

His Majesty went to the House of Peers, and (the Commons being sent for up, and attending) made the following most gracious Speech to both Houses.

My Lords and Gentlemen,

AT the Opening of this Session, I took notice to you of the Death of the late Emperor, and of my Resolution to adhere to the Engagements I am under, in order to the Maintaining of the Balance of Power, and the Liberties of *Europe*, on that important Occasion. The Assurances I received from you, in return to this Communication, were perfectly agreeable to that Zeal and Vigour, which this Parliament has always exerted, in the Support of the Honour and Interest of my Crown and Kingdoms, and of the common Cause.

The War, which has since broke out, and been carried on, in Part of the *Austrian* Dominions, and the various and extensive Claims, which are publicly made on the late Emperor's Succession, are new Events, that require the utmost Care and Attention, as they may involve all *Europe* in a bloody War, and in Consequence, expose the Dominions of such Princes, as shall take Part in Support of the Pragmatic Sanction, to imminent and immediate Danger. The Queen of *Hungary* has already made a Requisition of the twelve thousand Men, expressly stipulated by Treaty; and thereupon I have demanded of the King of *Denmark*, and of the King of *Sweden*, as Landgrave of *Hesse Cassel*, their respective Bodies of Troops, consisting of six thousand Men each, to be in Readiness to march forthwith to the Assistance of her *Hungarian* Majesty. I am also concerting such further Measures as may obviate and disappoint all dangerous Designs and Attempts, that may be forming or carried on in favour of any unjust Pretensions,

to the Prejudice of the House of *Austria*. In this complicated, and uncertain State of Things, many Incidents may arise, during the Time, when, by Reason of the approaching Conclusion of this Parliament, it may be impossible for me to have your Advice and Assistance, which may make it necessary for me to enter into still larger Expences, for maintaining the Pragmatic Sanction. In a Conjunction so critical, I have thought it proper, to lay these important Considerations before you, and to desire the Concurrence of my Parliament, in enabling me to contribute in the most effectual Manner, to the Support of the Queen of *Hungary*, the Preventing, by all reasonable Means, the Subversion of the House of *Austria*, and to the Maintaining the Liberties and Balance of Power in *Europe*.

Gentlemen of the House of Commons,

I must recommend it to you, to grant me such a Supply as may be requisite for these Ends; and the just Concern and Readiness which I have constantly found in you, to make all necessary Provisions for the publick Good, and our common Security, leave me no Room to doubt of the same good Disposition and Affection in this Instance.

My Lords and Gentlemen,

I am persuaded, I need say no more to recommend these Considerations to you, which so necessarily arise from the present Situation of Affairs: I shall therefore only add, That whatever Expences may be incurred on this Occasion, shall be made in as frugal a Manner as possible; and an Account thereof shall be laid before the next Parliament.

At the same Time his Majesty gave the Royal Assent to An Act relating to County Bridges, Houses of Correction, and passing Rogues and Vagabonds: An Act to continue an Act for Relief of Debtors, with respect to the Imprisonment of their Persons, &c. An Act relating to the better regulating the Manufacture of Cloth, in the *West-Riding* of *Yorkshire*; and to 7 private Bills.—Some Time before his Majesty went to the House, and, among others, gave the Royal Assent to the *Malt-Tax* Bill, the *Corn* Bill, the *Mutiny* Bill, and the *Salt* Bill.

FRIDAY, 10.

The Right Hon. the House of Lords presented their humble Address to the King, as follows.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal

Temporal in Parliament assembled, beg Leave to return your Majesty our most humble Thanks for your most gracious Speech from the Throne, and for your Majesty's great Attention and Care for the Preservation of the Balance of Power, and the Peace and Liberties of Europe, in which the Tranquillity and Security of these Kingdoms are so nearly interested.

We cannot but express our great Concern, That a War has broke out, and is carried on in Part of the *Austrian* Dominions; and we are highly sensible of your Majesty's Royal Wisdom, in the Resolution you have been pleased to declare for the Maintenance of the Pragmatic Sanction, and the Assistance of the Queen of *Hungary*.

We assure your Majesty, That, in Case it shall become necessary to enter into still further Expences in so just a Cause, your Majesty may depend on our zealous and chearful Concurrence, in enabling your Majesty to contribute, in the most effectual Manner, to the Support of the Queen of *Hungary*; and to the preventing, by all reasonable Means, the Subversion of the House of *Austria*, the ancient and natural Ally of the *British* Crown.

We think ourselves obliged upon this Occasion, to renew the Professions of our most dutiful and inviolable Fidelity; and to give your Majesty the strongest Assurances, That if any Part of your Dominions, although not belonging to the Crown of *Great Britain*, should be attacked or insulted, by any Prince or Power whatsoever, in Resentment of the just and necessary Measures, which your Majesty hath taken, or shall take, for maintaining the Pragmatic Sanction, we are determined to exert ourselves to the utmost, in defending and protecting such Dominions from any such Attacks or Insults.

His Majesty's most gracious Answer.

My Lords,

I thank you very kindly for this most seasonable and dutiful Address. The true Concern you shew for the Assistance of the Queen of *Hungary*, and the Support of the House of *Austria*, is very agreeable to me.

The Assurance you give me in relation to my Territories abroad, is a strong Proof of your Affection to me; and you may depend on my making no other Use of the Confidence you repose in me, than to enable me to act with Vigour, in maintaining the Pragmatic Sanction, and in the Preservation of the Balance and Liberties of Europe, and of our common Interest and Security.

The same Day, the Hon. House of Commons presented the following humble Address to the King.

Most Gracious Sovereign,

WE your Majesty's most Dutiful and Loyal Subjects, the Commons of *Great Britain* in Parliament assembled, beg

Leave to return your Majesty our most humble Thanks for your Majesty's most gracious Speech from the Throne; and to express our dutiful Sense of your Majesty's just and due Regard for the Rights and Interest of the Queen of *Hungary*, and for maintaining the Pragmatic Sanction. We cannot but entirely concur with your Majesty in the prudent Measures, which your Majesty is pursuing for the Support of the common Cause, and for the Preservation of the Liberties, and the Balance of Power in Europe. We acknowledge your Majesty's Wisdom and Resolution, in not suffering yourself to be diverted from steadily persevering in your just Purposes of fulfilling the Engagements, which your Majesty has entered into with the House of *Austria*; and do assure your Majesty, that in Justice, and in Vindication of the Honour and Dignity of the *British* Crown, this House will effectually stand by and support your Majesty against all Insults and Attacks, which any Prince or Power, in Resentment of the just Measures, which your Majesty has so wisely taken, shall make upon any of your Majesty's Territories or Dominions, though not belonging to the Crown of *Great Britain*. And we beg Leave further to assure your Majesty, that in any future Events, which may arise from this uncertain State of Things, and which may make it necessary for your Majesty to enter into still larger Expences, your faithful Commons will enable your Majesty to contribute, in the most effectual Manner, to the Support of the Queen of *Hungary*, to the preventing, by all reasonable Means, the Subversion of the House of *Austria*, and to the maintaining the Pragmatic Sanction, and the Liberties and Balance of Europe.

His Majesty's most gracious Answer.

Gentlemen,

I give you my Thanks for this dutiful and loyal Address. Your great Readiness in enabling me to make good my Engagements with the Queen of *Hungary*, and the Assurances you give me, not to suffer my foreign Dominions to be insulted on account of the Measures I am pursuing for the Support of the Pragmatic Sanction, are such evident Proofs of your just Concern for maintaining the Liberties and Balance of Power in Europe, and of your great Regard for my Honour and Interest, that you may depend upon all suitable Returns from me for this particular Mark of your Affection, and Confidence in me.

The 3 following Malefactors receiv'd Sentence of Death at the Old Bailey, viz. John Carr, for robbing Dr. Ingram on the Highway;—William Robinson, for a Burglary.—And Andrew Mackmannus, for robbing Mr. Mason on the Highway.

MONDAY, 13.

The Election of an Alderman for Broad-street Ward, having been declared void, the Num-

Numbers being equal on the Close of the Scrutiny, the Right Hon. the Lord Mayor held a Wardmote at *Drapers Hall* for a new Election; when *Charles Exer*, Esq; was put in Nomination, and no Poll being demanded, he was declared duly elected. But the next Day a Petition was presented by Mr. *Eggleton* to the Court of Aldermen, setting forth his Right to the said Election; the Consideration of which was deferred: And the Day following a Rule was made in the Court of *King's-Bench*, to shew Cause, why a Mandamus should not be granted to swear in Mr. *Eggleton*, Alderman of *Broad-street Ward*.

WEDNESDAY, 15.

This Day, between 11 and 12 in the Forenoon, Capt. *Samuel Goodere*, *White*, *Mabony*, and a Woman for the Murder of her Bastard Child, were executed at *Brissel* on *St. Michael's-Hill* Gallows. The Captain did not deny his being concern'd with *Mabony* and *White*, but said he never design'd to murder his Brother till about 2 a Clock in the Morning that it was perpetrated. (See the Trial, p. 183—192) His Wife and Child took Leave of him on Monday, under the greatest Affliction imaginable. He was convey'd to the Place of Execution in a Mourning Coach, attended by the Rev. Mr. *Penrose*; and the 3 others in a Cart, with Halters about their Necks. The Captain could not shed a Tear, to the last; neither did *Mabony* or *White*; but look'd seemingly not under that Concern as could be expected. Only *White* spoke to the People, and desir'd 'em to take Warning by him, not to be drawn into a Snare as he had been; for that he was insnar'd out of his Life thro' the Intrigues of the Captain; and when the Executioner was about to fasten the Halters to the Gallows, *White* flung the End of his over himself. They all kiss'd each other, and the Captain dropping his Handkerchief as a Signal, the Cart drew away. Their Bodies were all brought back to *Newgate*; the Captain's was carry'd away the next Day, to be bury'd among his Relations in *Worcestershire*; *Mabony* was hang'd in Chains at the River's Mouth; *White* was got into the Surgeons Clutches, but after demanded by the Sheriffs, and buried; as was the Woman.

Three of the Russians who seiz'd Sir *John Dineley*, were each of them sentenced to pay a Fine of 40*l*. to suffer 12 Months Imprisonment, and to find Securities for their good Behaviour for 12 Months more.

THURSDAY, 16.

The Sons of the Clergy held their annual Feast, at which were present a Number of Reverend Gentlemen and other Persons of Distinction. The Collection for Charity this Year amounted to upwards of 820*l*.

FRIDAY, 17.

More Children were taken into the Foundling Hospital; the Governors and Guardians

thereof having put several of the former Children to careful Nurseries in the Country, in order to make Room for others. (See p. 153.)

TUESDAY, 21.

The Dukes of *St. Albans*, *Marlborough*, *Portland*, and *Kingston*, were install'd Knights of the Garter, in *St. George's Chapel*, with the usual Ceremonies.

WEDNESDAY, 22.

Came on at the Court of Common Pleas, the Cause relating to the Right of Presentation to the Rectory of *Northchurch*, near *Barkhamstead*, in *Hertfordshire*, between his Royal Highness the Prince of Wales, and the Dean and Canons of *Windfor*; it lasted above 12 Hours, when the Special Jury brought in a Verdict for his Royal Highness.

SATURDAY, 25.

This Day his Majesty put an End to the Session, by the following most gracious Speech to both Houses.

My Lords and Gentlemen,

THE Zeal and Dispatch, with which you have gone thro' the publick Business, during the Course of this Session, are undeniable Proofs of your steady Regard to the Welfare of your Country, and consequently the most acceptable Testimonies of your Duty and Affection to me. The powerful Assistance, which you have given me for carrying on the just and necessary War, in which I am engaged, is the best Means of reducing our Enemies to Reason; and the Vigour and Earnestness, which you have so seasonably shewn for the Defence of the House of *Austria*, and the Maintenance of the Balance and Liberties of *Europe*, must give the greatest Encouragement to our Friends. These are the Methods to secure to this Nation that Weight and Influence abroad, which its natural Strength and Situation entitle it to.

Gentlemen of the House of Commons,

It is with particular Satisfaction, I acknowledge your Readiness and Application, in raising the Supplies for the Service of the current Year; which you have done with so just a Regard to the present Exigencies of the Publick, as shews you to be the true Representatives of my faithful Commons.

My Lords and Gentlemen,

I cannot part with this Parliament, without publicly returning you my Thanks, for the many eminent Instances which you have given me, of your Fidelity and Affection to my Person and Government; your fixed Resolution to maintain the Protestant Succession in my Family; and your unshaken Adherence to the true Interest of your Country. You have, with the most becoming Spirit and Firmness, exerted yourselves in vindicating and defending the Honour of my Crown, and the undoubted Rights of Navigation and Commerce belonging to my Subjects; and enabled me to revenge those Wrongs

and Insults, which, contrary to the Faith of Treaties, had been committed against both. In so critical a Conjunction, you have supported the national Credit, and strengthened the Hands of my Government, to a Degree exceeding the Expectations of those, who wished well to us; and to the manifest Disappointment of such, as envied our Prosperity. At the same Time, you have demonstrated to all the World, That Great Britain is in a Condition, not only to defend herself, but also to afford a due Support to her Allies, and the common Cause of Europe. As such a Conduct must give a lasting Reputation to this Parliament, so it will be the Subject of Emulation to those which shall come after it.

I will immediately give the necessary Orders for calling a new Parliament. There is not any Thing I set so high a Value upon, as the Love and Affection of my People; in which I have so entire a Confidence, that it is with great Satisfaction, I see this Opportunity put into their Hands, of giving me fresh Proofs of it, in the Choice of their Representatives.

On the present Establishment depends the Continuance of our excellent Constitution in Church and State; and in this Constitution consists the Security of the present Establishment: Nothing can hurt the one, that will not, in Proportion, undermine and weaken the other. For my Part, the uniform Preservation of both, and the Maintenance of the religious and civil Rights of all my Subjects, have been, and ever shall be, my constant Care. Those who distinguish themselves by persevering in these Principles, shall always find my Countenance and Favour; and, by invariably pursuing these wise and honest Measures, we may entertain the best grounded Hopes, that, under the Protection of the Divine Providence, the Happiness of Great Britain will be perpetuated to Posterity.

Then the Lord Chancellor, by his Majesty's Command, said,

My Lords and Gentlemen,

It is his Majesty's Royal Will and Pleasure, That this Parliament be prorogued to Tuesday the twelfth Day of May next, to be then here held; and this Parliament is accordingly prorogued to Tuesday the twelfth Day of May next.

[The Bills which at this Time receiv'd the Royal Assent shall be inserted in our next.]

TUESDAY, 28.

A Proclamation was published for dissolving the Parliament. The new Writs to be returnable on June 25.

There has been an Engagement in the *W. Indies* between some of the French and some of our Ships, of which the Accounts were various.

Towards the End of the Month, it was confirm'd that the French Squadrons were return'd to *Brest* and *Toulon*.

We had Accounts about this Time, that several of our Ships were taken near the

Channel, by 2 Spanish Privateers, and carried into *St. Sebastian's*; and that two were taken by another Spanish Privateer, off *Guernsey*, and carried into *Havre de grace*.

Seven receiv'd Sentence of Death at the Assizes at *Bury*; 2 at *Derby*; 8 at *Taunton*, and a 9th poison'd himself after he was convicted; 6 at *Hereford*, and 2 at *Launceston*.

MARRIAGES and BIRTHS.

SIR William Courtney, Bart. to Lady Frances Finch.

Mr. Philip Fabr, an eminent Hamburg Merchant of *Bristol*, to Miss Catharine Seymour.

Thomas Hayley, of *Chichester*, Esq; to Miss Yates.

Edward Rooke, Esq; of *Yorkshire*, to Miss Leeds.

Ambrose Barradall, of *Lidbury*, *Herefordshire*, Esq; to Miss Winnell.

Rev. Mr. John Williams, Vicar of *Catherington*, *Hants*, to Mrs. Dyer, a 30,000*l.* Fortune.

Hon. Capt. Fairfax, to Miss Collins, Niece to the late Sir Francis Child, a 30,000*l.* Fortune.

Sir Nicholas Carew, of *Bedington* in *Surrey*, Bart. to Miss Martin of *Clapham*, a 12,000*l.* Fortune.

The Lady of Godfrey Clarke, Esq; safely deliver'd of a Son and Heir.

The Lady of John Crawley, Esq; Member of *Parl.* for *Marlborough*, of a Son and Heir.

Her Grace the Duchess of Portland, of a Daughter.

DEATHS.

M R. Henry Cross, formerly an eminent Brewer, at *Hickley* in the *Hole*.—Lady Viscountess Masserene in *Ireland*.—Richard Bettsworth, Esq; his Majesty's second Serjeant at Law, of that Kingdom.—Sir William Parsons, Bart. of the same Kingdom.—Sir Thomas Parkyn, Bart. at his Seat at *Bunny* in *Nottinghamshire*; well known by the athletic Part of the World for having been the Author of a Book to teach the Art of Wrestling. (See p. 201.)—Right Hon. William Berkeley, Lord Berkeley of *Stratton*.—Sir Nathaniel Lloyd, Knt. Doctor of Laws—Major Strassford, of General Anstruther's Regiment of Foot.—Charles Caesar, Esq; Knight of the Shire for the County of *Hertford*, and formerly Treasurer of the Navy.—Sir Joseph Edmunds Moore, of *Berkhamstead*, in *Hertfordshire*, Bart.—Right Hon. the Countess of Forfar, in *Scotland*. By her Death a Pension reverts to the Crown, which she enjoy'd since the Earl of Forfar, her only Issue, was kill'd at the Battle of *Sheriffmuir*.—Lady Goring, Relict of the late Sir Charles Goring, Bart.—Rev. Mr. Tho. Gordon, Nephew to the Earl of *Aberdeen*.—Christopher Greene, M. D. Regius

Regius Professor of Physick in the University of Cambridge.—Rev. Dr. Dibben, a Prisoner in the Fleet, Præcentor of St. Paul's, a Place worth near 400*l.* per Annum.—Mr. Hudson, of Bishopsgate-street, the only Son of Sir Roger Hudson, Knt.—Mr. Francis Barfoot, of Friday street, one of the most eminent Apothecaries in the City.—Hon. Nassau Pawlet, Esq; 7 Years old, eldest Son of the Rt Hon. the Lord Nassau Pawlet.—Hon. Lady Cecilia Finnes, Relict of the late Lord Viscount Say and Seale.—Mr. Philip Morris, the oldest Undertaker for Funerals in London.—At his Seat at Nawestoke in Essex, James Earl Waldegrave, Baron Waldegrave of Cheuton, and Bart. Knt. of the Most Noble Order of the Garter, one of his Majesty's Ambassadors Extraordinary and Plenipotentiary to the Court of France. He is succeeded in Dignity and Estate by his eldest Son James, Lord Cheuton, now Earl Waldegrave.—Mr. Lockwood, an eminent Brewer.—Tho. Potter, Esq; one of the Common Pleaders of this City, a Place in the Disposal of the Lord Mayor.—Mr. Henry Coulson, a very eminent Merchant of Newcastle.—Gilbert Burnet, Esq; one of the Commissioners of the Excise in Scotland, Son of Sir Thomas Burnet, M. D. and Nephew of the late Bishop Burnet.—William Hillman, Esq; Alderman of Salisbury, and one of the Senior Justices of that City.—Mr. Bateman, an eminent Woollen Draper in St. Paul's Church-Yard, formerly Deputy of Castle-Baynard Ward.—Mr. Kroger, an eminent Brewer at Hockley in the Hole.—Major John Dabswood, at Holyport in Berkshire.—Benj. Devinck, Esq; of Hackney, said to have died worth 100,000*l.*—Sir Charles Farnaby, of Sevenoaks in Kent, Bart.—Towards the End of the Month, there was Advice of the Death of Admiral Gordon, a Scotch Gentleman in the Russian Service. He serv'd in the British Fleet till the Year 1708.

Ecclesiastical PREFERMENTS.

DR. Martin, to the Vicarage of Twickenham, in the Room of Dr. Waterland, deceas'd.—Mr. John Jebb, to the Rectory of Killeban in Ireland, void by the Translation of Bp. Synge from Ferns to Elphin.—Mr. Gibson, Son to the Bp. of London, presented by his Father, to the Chantorship of St. Paul's, in the Room of the late Dr. Dibben.—Mr. John Ball, by his Grace the Duke of Bedford, to the Rectory of Chesbam Bois in Buckinghamshire.—Mr. Robert Butts, by the Lord Chancellor, to the Vicarage of Swilland, and by the Bp. of Ely, to the Rectory of Wetherfield; both in Suffolk.

PROMOTIONS Civil and Military.

HORATIO Walpole, Esq; made one of the Tellers of the Exchequer, in the Room of Lord Onslow, deceas'd.—Sir William

Yonge, Bart. succeeds him as Cofferer to his Majesty.—Thomas Winnington, Esq; succeeds Sir William, as Secretary at War.—And Mr. Clutterbuck succeeds Mr. Winnington, as one of the Lords of the Treasury.—Lieut. Knight, made a Capt. in the Reg. of Dragoons, commanded by Major Gen. Hawley.—George Fowke, Esq; made a Capt. in Col. Irwin's Reg. of Foot.—Ruffel Plumtree, M. D. by a Grant from his Majesty, succeeds the late Dr. Greene, as Regius Professor of Physick in the University of Cambridge.—Mr. Paul chose chief Surgeon of St. Thomas's-Hospital, in the Room of Mr. Ferne, deceas'd.—John Brown, Esq; and Styan Thirlby, Esq; made two of the King's Waiters in the Port of London, a Patent Place each of 250*l.* per Annum.—Capt. Townshend, Capt. Knowles, and Capt. Carr made Colonels in the first Reg. of Foot Guards.—Duke of Kingston and Earl of Holderness made Lords of the Bed-chamber, in the Room of the Earl of Selkirk and Lord Catheart, deceas'd.—The Admirals Vernon and Cavendish, and Capt. John Major, chosen Elder Brothers of the Trinity-House.—Capt. Tho. Pye, lately one of Admiral Stuart's Lieutenants, made Captain of the Seafood.—Mr. Dimmock, of King's-street, Westminster, made Capt. of a Custom-house Sloop in the Port of Bristol.—Mr. John Cowley appointed by the Duke of Grafton, Lord Chamberlain, Geographer in Ordinary to his Majesty.—Benjamin Keene, Esq; and Thomas Pelham, jun. Esq; made Commissioners of Trade and Plantations.

The Bankrupts in our next.

Abstract of the London WEEKLY BILL, from March 24. to Apr. 21.

Christned	{ Males 655 Females 639 }	1294
Buried	{ Males 1261 Females 1249 }	2510
Died under 2 Years old		847
Between 2 and 5		163
5	10	81
10	20	81
20	30	234
30	40	258
40	50	286
50	60	223
60	70	148
70	80	114
80	90	60
90 and upwards		15
		2510

Hay 66 to 72*s.* a Load.

THE

THE Accounts from *Silesia*, since our last, are, That the *Austrian* Army assembled about *Olmütz* in *Moravia*, under the Command of General *Neuperg*, and having about the Middle of *March* last received certain Advice, that the King of *Prussia* intended to attack *Brieg* and *Neiß*, and that his Troops were on their March for that Purpose, it was thereupon resolved in a Grand Council of War, that the Army should march into *Silesia*, and endeavour to prevent the Loss of these two Fortresses. Accordingly, the Army marched soon after, and his *Prussian* Majesty being informed, that they were advanced into *Silesia*, and marching directly towards him, he immediately drew together all the Troops he could, and made the necessary Dispositions for a Battle. On *Monday* the 30th of *March* the two Armies met, and engaged at a Place called *Mohowitz*, or *Mogowitz*, about a League to the North of *Neiß*. The Battle began at Two o'Clock in the Afternoon, and lasted till Six in the Evening, when the *Austrians* thought proper to retire, which they did in good Order, under the Cannon of *Neiß*, leaving the Field of Battle to the *Prussians*. The Action was sharp and bloody on both Sides. In the Beginning the *Austrians* drove back, and put into Disorder the left Wing of the *Prussians*, at which Lieutenant General Count *Schulenburg* commanded, who had the Misfortune to be killed at the first Onset; but the Confusion was soon redressed, by some Regiments of Foot sent to support the right Wing, and by the Grenadiers which his *Prussian* Majesty had intermixed with his Horse, upon Information that the *Austrians* were superior to him in Cavalry. The Attack on the *Prussians* right Wing was as warm as that on the left, five Squadrons of *Schulenburg's* Dragoons having been almost all destroyed. The Regiment of Carabineers of Count *Wartinsleben* suffered also very much, as did the first Battalion of Guards, which had 16 Officers killed or wounded out of 25. The whole Loss of the *Austrians*, according to the *Prussian* Account, was 4000 killed, wounded, or taken Prisoners; and of the *Prussians*, about 2000 killed or wounded. The Officers of Distinction killed or wounded in this Battle were, on the Side of the *Prussians*, Lieutenant General Count *Schulenburg*, the Colonel *Margrave Frederick* of *Brandenburg*, Colonel *Bork*, Lieutenant Colonel *Fitzgerald*, the Majors *Knobelsdorf* and *Schenkendorf*, *M. Mullendorf* one of his Majesty's Pages, and the Master of the King's Household, killed: Veidt Marshal *Schwerin*, the Lieutenant General *Marcwitz* and *Kleist*, Major General *Margrave Charles* of *Brandenburg*, the Colonels *Prince William*, Brother to the *Margrave*, *Wartinsleben*, *Roßbach*, and *Finck*, the King's Aid-de-Camp, and Major *Bork*, wounded. And on the Side of the *Austrians*, the Generals *Romer* and *Goldi*, the Colonel Count *de Lamoi*, kill-

ed; the Generals *Brown*, *Grunc*, *Kaibl*, *Lenulus*, *Frankenberg*, and Prince *Birkenfeld*, wounded.

Besides the Army which the King of *Prussia* has in *Silesia*, he is to have another of 40,000 Men, under the Command of the Veldt-Marshal Prince *Anbalt-Deßau*, encamped this Summer near *Brandenburg*, on the River *Havel*, the Camp for this Purpose having been marked out the End of last Month, and on the 2d Instant seven Regiments marched into it; and in a few Days after, most of the other Troops, together with the Artillery; which looks as if his *Prussian* Majesty was afraid of an Attack upon that Side, which is next *Hanover*.

On the 20th of *February* last, the Veldt-Marshal Count *Munich*, Prime Minister of *Russia*, was dismissed from all his Employments, by a Message sent to him from the Princess Regent. This Dismission was occasioned, 'tis thought, by his opposing too warmly the *Moscovites* sending any Assistance to the Queen of *Hungary*. However, the Message was sent to him with great Respect, and he still visits the Court, where he always meets with a kind Reception. Since his Dismission, ten *Russian* Regiments have been sent into *Courland*, where they keep in continual Readiness to march through *Poland* to the Assistance of the Queen of *Hungary*, or perhaps to attack *Prussia*, which is not far from *Courland*; and if they should, we may perhaps hear the Court of *France* say, that if any foreign Power intermeddies in the Affairs of *Germany*, they likewise must.

The warlike Preparations in *Sweden* are renewed with great Vigour. They have ordered 2000 more Seamen to be sent to *Carelscoön*, where a Squadron of 12 Men of War of the Line, and six Frigates are equipping, besides Gallies, on board of which they talk of embarking a Body of Land Forces; and besides the great Army they have in *Finland*, they are to have three Camps this Summer in *Sweden*, of 5000 Men each, the Design of which is said to be, to have Troops in Readiness to reinforce their Army in *Finland*, in case of Need.

About the Beginning of this Month, the *French Brest* and *Toulon* Squadrons returned into their respective Ports, from the *West-Indies*, whither they had sailed last Autumn, as mentioned in our *Magazine* for *September*; but whether they have brought any of the *Spanish* Treasure home with them, is a Question that cannot as yet be resolved. If they have not, they seem to have gone a long Voyage upon a *steeple's Errand*.

From *Italy* we hear, That Troops are daily transporting by Sea from *Naples* to the Fortresses the *Spaniards* have upon the Coasts of *Tuscany*, and that they are erecting large Magazines in those Fortresses.

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